

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

TONY LAMAR PINKARD, SR.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.: 3:07-CV-70-MEF
)	
CRAIG DAVIDSON,)	
)	
Defendant.)	

DEFENDANT’S SPECIAL REPORT

COMES NOW Defendant Captain Craig Davidson (hereafter, “Captain Davidson” or Defendant”), and submits his Special Report to the Court as follows:

I. INTRODUCTION

The Plaintiff filed his Complaint in the United States District Court for the Middle District of Alabama on January 23, 2007. In his Complaint, the Plaintiff alleges that Defendant subjected him to cruel and unusual punishment and police brutality.¹ On January 24, 2007, the Court ordered Defendant to file a Special Report.

II. PLAINTIFF’S ALLEGATIONS

The Plaintiff alleges that he was subjected to cruel and inhumane punishment and police brutality, in contravention of the Eighth Amendment and Fourteenth Amendments to the United States Constitution, respectively.

III. DEFENDANT’S RESPONSE TO PLAINTIFF’S ALLEGATIONS

Defendant Craig Davidson denies the allegations made against him by the Plaintiff, as said allegations are untrue and completely without basis in law or fact.

¹ This statement of the issues and claims made by Plaintiff are based upon Plaintiff’s Complaint and the undersigned’s interpretation of the issues raised.

A. FACTS

The Plaintiff in this action, Tony Lamar Pinkard, Sr., was incarcerated at the Randolph County Jail (the “Jail”) on January 8, 2007, on charges of Failure to Appear for Child Support, Domestic Violence (Harassment), and Driving Under the Influence. (See Inmate Tony Lamar Pinkard’s Inmate File (hereafter, “Inmate File”), attached hereto as Exhibit A and incorporated herein as if fully set forth.) The Plaintiff was a pre-trial detainee.

At the time of the Plaintiff’s incarceration, the Jail had a policy forbidding the use of excessive force by Jail employees. (Affidavit of Craig Davidson (hereafter, “Davidson Aff.”), attached herewith and incorporated herein as Exhibit B, at ¶ 4; Affidavit of Stacy Boyd (hereafter, “Boyd Aff.”), attached herewith and incorporated herein as Exhibit C, at ¶ 4; Affidavit of Matthew Fendley (hereafter, “Fendley Aff.”), attached herewith and incorporated herein as Exhibit D, at ¶ 4; Affidavit of Ronald Smith (hereafter, “Smith Aff.”), attached herewith and incorporated herein as Exhibit E, at ¶ 4.) It is a violation of Jail policy to use excessive or unnecessary force towards an inmate. Id.

On the night of January 8, 2007, and the morning of January 9, 2007, Corrections Officer Ronald Smith witnessed and heard the Plaintiff making a great deal of noise all night long, beating on his cell door, yelling, cursing, generally making an excessive amount of noise, and keeping other inmates awake. (Smith Aff. at ¶ 9.) On or about January 9, 2007, Officer Smith was handing out breakfast trays when the Plaintiff started beating on the door and asking for another breakfast tray. Id. Officer Smith informed the Plaintiff that there were no extra breakfast trays to give him. Id. When Officer Smith went to pick up the Plaintiff’s breakfast tray, the Plaintiff started beating on the door again and complained about the jail lights not coming on. Id. Officer Smith reported the foregoing observations in an incident report for Captain Davidson’s review. Id.

Later that day (January 9, 2007) Captain Davidson received and reviewed the report from Officer Smith that the Plaintiff had been making an unreasonable amount of noise throughout the previous night, banging on doors, yelling, and cursing at the Jail staff. (Davidson Aff. at ¶ 9; Smith Aff. at ¶ 9.) The Plaintiff's activity was disruptive to the Jail and potentially agitating to the other inmates. (Davidson Aff. at ¶ 9.) Captain Davidson determined that for administrative reasons, the Plaintiff should be placed alone in a holding cell until he calmed down. Id.

When Captain Davidson notified the Plaintiff that he was being moved to a holding cell, he refused to comply and was verbally abusive and argumentative. (Davidson Aff. at ¶ 10; Fendley Aff. at ¶ 9.) Captain Davidson warned the Plaintiff three (3) times that he must comply with his directions and, should he continue to refuse, that he would be sprayed with chemical spray. Id. Nevertheless, the Plaintiff continued to refuse to comply with the directions to exit his cell block and accompany Captain Davidson to a holding cell, and continued to curse and argue. Id. Captain Davidson then proceeded to spray the Plaintiff with chemical spray, which enabled him to handcuff the Plaintiff without injury to either party. (Id.; Boyd Aff. at ¶ 9.)

Though Captain Davidson was finally able to get his handcuffs on the Plaintiff, the Plaintiff was struggling so hard that Captain Davidson was unable to "double lock" the handcuffs. (Davidson Aff. at ¶ 11.) Double locking handcuffs prevents them from tightening on the wrists any further. Id. Because the Plaintiff's vigorous resistance did not permit Captain Davidson to double lock the handcuffs, it is possible that the handcuffs tightened on his wrists to the point where the Plaintiff felt some pain. Id. However, the Plaintiff was not handcuffed longer than a few minutes, and there were no visible signs of injury to the Plaintiff's wrists when the handcuffs were later removed. Id.

Jail policy requires that any inmate who is subject to chemical spray be "decontaminated" as soon as reasonably possible. (Davidson Aff. at ¶ 12; Boyd Aff. at ¶ 9.) Therefore, Captain

Davidson proceeded to escort the Plaintiff to an outside Jail yard for decontamination. (Davidson Aff. at ¶ 12.) However, the Plaintiff remained physically resistant and, even after being handcuffed, attempted to resist being escorted to the Jail yard. Id. At one point while passing through a doorway, the Plaintiff attempted to pull away from Captain Davidson, which forced him to pin the Plaintiff against a wall to regain control. Id. However, the Plaintiff was not injured during that incident. Id.

After the parties reached the jail yard, Captain Davidson used a garden hose to spray water on the Plaintiff's head, along with shampoo, in order to wash the chemical spray off of the Plaintiff's head and face. (Davidson Aff. at ¶ 13; Smith Aff. at ¶ 10; Boyd Aff. at ¶ 9.) During this process, the Plaintiff continued to struggle and resist, and consequently, the Plaintiff hit his own head against the water hose. (Davidson Aff. at ¶ 13.) However, upon immediate examination, the Plaintiff did not exhibit any mark on his head, and Captain Davidson did not observe any blood. (Id.; Boyd Aff. at ¶ 9.) The Plaintiff did not complain at the time that he had hit his head. (Davidson Aff. at ¶ 13.) The Plaintiff was then escorted to a holding cell and Captain Davidson retrieved his asthma inhaler for his use. (Id.; Boyd Aff. at ¶ 9.)

The force used in the aforementioned incident was restricted to the minimum force necessary to remove the Plaintiff from his cell, maintain control of him while escorting him through the jail, and decontaminate him as a result of the chemical spray. (Davidson Aff. at ¶ 14; Fendley Aff. at ¶ 11.) At no time was the Plaintiff struck, kicked, or otherwise assaulted by Captain Davidson or any other correctional officer. Id. Though the Plaintiff was verbally belligerent and physically abusive, at no time did Captain Davidson threaten to kill the Plaintiff. Id. The Plaintiff was not injured in any way during the incident. (Id.; Boyd Aff. at ¶ 9.) Jail records reveal no medical assistance or request for medical assistance related to this incident. (Davidson Aff. at ¶ 14; Fendley Aff. at ¶ 11.) However, the Plaintiff's hands and/or wrists were

examined on January 16 and January 23, 2007, while he was incarcerated in the Lee County Jail. (Medical File of Inmate Tony Lamar Pinkard, attached herewith as Exhibit F and incorporated herein as if fully set forth.) The Plaintiff did not request medical assistance for any head injury from the alleged beating with the water hose. Id.

There is one video camera in the Jail that would monitor the Plaintiff's cell block and cell. (Davidson Aff. at ¶ 15; Fendley Aff. at ¶ 12; Boyd Aff. at ¶11; Smith Aff. at ¶ 11.) However, that camera is for monitoring purposes only, and does not record. Id.

At the time of the Plaintiff's incarceration, the Jail had an inmate grievance procedure. (Davidson Aff. at ¶ 4; Fendley Aff. at ¶ 4; Boyd Aff. at ¶ 4; Smith Aff. at ¶ 4.) Grievances were required to be in writing and could be filed with any member of the Jail staff. Id. Jail policy provided an exception that allowed emergency grievances to be made orally. Id. Grievances related to Captain Davidson went directly to the Jail Administrator. Id. Grievance resolutions could be appealed to the Randolph County Sheriff. Id. Copies of all written grievances were placed in the inmate's file. Id. It was a violation of Jail policy to deny an inmate access to the grievance procedure. (Davidson Aff. at ¶ 6; Fendley Aff. at ¶ 6; Boyd Aff. at ¶ 6; Smith Aff. at ¶ 6.) The Plaintiff was aware of the grievance procedure. (Davidson Aff. at ¶ 5; Fendley Aff. at ¶ 5; Boyd Aff. at ¶ 5; Smith Aff. at ¶ 5.) The Plaintiff did not file a grievance with regards to the incident underlying his Complaint. (Davidson Aff. at ¶ 7; Fendley Aff. at ¶ 7; Boyd Aff. at ¶ 7; Smith Aff. at ¶ 7; Inmate File.)

B. LAW RELATING TO THE PLAINTIFF'S ALLEGATIONS

1. The Plaintiff's Claims are Barred by the Prison Litigation Reform Act for Failure to Exhaust Administrative Remedies.

The Prison Litigation Reform Act requires exhaustion of all available administrative remedies *before filing a lawsuit* under 42 U.S.C. § 1983. See 42 U.S.C. § 1997e(a) (2005). Exhaustion is required for "all inmate suits about prison life, whether they involve general

circumstances or particular episodes, and whether they allege excessive force or some other wrong.” Porter v. Nussle, 534 U.S. 516, 532 (2002). The Plaintiff in this case has not utilized two separate and distinct administrative remedies available to him. As a result, his claims are barred.

First, the Plaintiff failed to properly utilize the grievance procedure provided at the local level in the Jail to address his claims prior to the filing of this lawsuit. The Jail had a grievance procedure. The Plaintiff never filed a grievance related to any of his claims.

Second, Plaintiff has not alleged that he pursued any grievance through the State Board of Adjustment. See Brown v. Tombs, 139 F.3d 1102, 1103-04 (6th Cir. 1998) (requiring prisoners to affirmatively show that they have exhausted administrative remedies). Alabama law provides the opportunity to file a claim and proceed before the Alabama State Board of Adjustment pursuant to Ala. Code § 41-9-60 et seq.

As State officials, Sheriffs and Jailers enjoy sovereign immunity from suit under Article I, § 14 of the Alabama Constitution. Turquitt, 137 F.3d at 1288-89. Consequently, a claim for monetary damages against the Defendant is, in essence, a claim against the State of Alabama. See Hafer v. Melo, 502 U.S. 21, 25 (1991); Lancaster, 116 F.3d at 1429; see also Kentucky v. Graham, 473 U.S. 159, 165-66 (1985). Because both the Jail and the State provided administrative remedies that the Plaintiff failed to exhaust, the Plaintiff’s claims are barred by 42 U.S.C. § 1997e(a). See Alexander v. Hawk, 159 F.3d 1321, 1326-27 (11th Cir. 1998) (affirming dismissal of present action due to failure to exhaust administrative remedies).

2. The Plaintiff’s Eighth Amendment Claim of Cruel and Unusual Punishment is Due to be Dismissed Because the Plaintiff Was a Pre-Trial Detainee, and the Eighth Amendment Only Applies to Convicted Inmates.

The Plaintiff makes two (2) claims: cruel and unusual punishment and police brutality. However, the Plaintiff was arrested and incarcerated in the Randolph County Jail for Failure to

Appear on three (3) different charges. Because he had not yet been convicted of a charge, or any of the underlying charges, his status at the time of the incident was pre-trial detainee. However, the Eighth Amendment does not apply to pre-trial detainees, but only to convicted prisoners. City of Revere v. Massachusetts General Hosp., 463 U.S. 239, 244 (1983); Ingraham v. Wright, 430 U.S. 651, 671-672, n. 40 (1977); Bell v. Wolfish, 441 U.S. 520, 535, n. 16, (1979). Therefore, the Plaintiff's Eighth Amendment claim of cruel and unusual punishment must be dismissed as a matter of law.

3. The Defendant, in His Official Capacity, Is Entitled to Judgment in His Favor as a Matter of Law.

In his Complaint, the Plaintiff has not designated whether he is suing Captain Davidson in his official or individual capacity. Out of an abundance of caution, to the extent the Plaintiff's Complaint can be construed as making official capacity claims, the Eleventh Amendment bars such claims. Additionally Defendant, in his official capacity, is not a "person" for purposes of 42 U.S.C. § 1983.

(a) All official capacity claims against Captain Davidson are barred by the Eleventh Amendment to the United States Constitution.

The Plaintiff's official capacity claims are due to be dismissed for lack of subject matter jurisdiction. Captain Davidson is an executive officer of the State of Alabama. Therefore, a suit against him, in his official capacity, is a suit against the State of Alabama. See Hafer, 502 U.S. at 25; Lancaster, 116 F.3d at 1429; see also Kentucky v. Graham, 473 U.S. at 165-66. Because this suit is, in effect, a suit against the State of Alabama, the Eleventh Amendment to the United States Constitution bars the Plaintiff's claims under § 1983. See Free v. Granger, 887 F.2d 1552, 1557 (11th Cir. 1989); see also Dean v. Barber, 951 F.2d 1210, 1215 n.5 (11th Cir. 1992); Carr v. City of Florence, 916 F.2d 1521, 1525 (11th Cir. 1990) (citing Parker v. Williams, 862 F.2d 1471, 1476 (11th Cir. 1989) and upholding the proposition that a deputy sued in his official

capacity is entitled to Eleventh Amendment immunity). Thus, this Court lacks subject matter jurisdiction over these claims.

(b) Defendant, in his official capacity, is not a “person” for purposes of 42 U.S.C. § 1983.

42 U.S.C. § 1983 prohibits a person, acting under color of law, from depriving another of his rights secured by the United States Constitution. 42 U.S.C. § 1983. The United States Supreme Court has held that a State official sued in his or her official capacity, is not a “person” under § 1983. Will v. Michigan Dep’t of State Police, 491 U.S. 58, 71 (1989). Thus, any claims against Captain Davidson, in his official capacity, are due to be dismissed because Defendant is not a “person” under § 1983, and therefore, these claims fail to state a claim upon which relief can be granted. Id.; Carr, 916 F.2d at 1525 n.3 (citing Will and noting that, in addition to entitlement to Eleventh Amendment immunity, “neither a State nor its officials acting in their official capacities are a ‘person’ under § 1983”).

4. Defendant is Entitled to Qualified Immunity.

Captain Davidson is entitled to judgment in his favor as a matter of law as to the Plaintiff’s claim because he is entitled to qualified immunity. Once a defendant has asserted the defense of qualified immunity and demonstrated that he was acting within his discretionary authority, the burden shifts to the plaintiff who must first demonstrate from the record that the defendant officially violated his federally protected rights. Saucier v. Katz, 533 U.S. 194, 201 (2001). This initial inquiry is whether “[t]aken in the light most favorable to the party asserting the injury, do the facts alleged show the officer’s conduct violated a Constitutional right?” Id. (citing Siegert v. Gilley, 500 U.S. 226, 232 (1991)). The second inquiry is, if a Constitutional violation is stated, were these rights “clearly established” to the degree that Captain Davidson

had “fair warning” that his conduct violated the Plaintiff’s Constitutional rights? Willingham v. Loughnan, 321 F.3d 1299, 1301 (11th Cir. 2003).

In making an assessment of whether the particular conduct of Captain Davidson was clearly established as being violative of cConstitutional dictates, the reviewing court must examine the state of law at the time the alleged deprivation occurred. See Rodgers v. Horsley, 39 F.3d 308, 311 (11th Cir. 1994). A Constitutional right is clearly established only if its contours are “sufficiently clear that a reasonable official would understand that what he is doing violates that right.” Anderson v. Creighton, 483 U.S. 635, 640 (1987); Lancaster v. Monroe County, 116 F.3d 1419, 1424 (11th Cir. 1998). “In this circuit, the law can be ‘clearly established’ for qualified immunity purposes only by decisions of the U.S. Supreme Court, Eleventh Circuit Court of Appeals, or the highest court of the State where the case arose.” Jenkins v. Talladega Board of Education, 115 F.3d 821, 827 (11th Cir. 1997) (*en banc*) (citations omitted).

Captain Davidson is entitled to qualified immunity for two (2) reasons. First, the Plaintiff cannot meet his burden of showing that Captain Davidson violated his Fourteenth Amendment right to be free from excessive force. Second, even if the evidence in the record did show a Constitutional violation, the Plaintiff cannot point to any contemporaneous clearly established law that provided Captain Davidson with “fair warning” that his conduct was illegal.

(a) Captain Davidson did not subject the Plaintiff to excessive force.

The Plaintiff cannot meet his burden to establish a Constitutional violation for two (2) reasons. First, Captain Davidson’s actions were done for a proper purpose and not for the purpose of causing harm. Second, the Plaintiff’s injuries were *de minimis*.

(i) Captain Davidson Used Force for a Legitimate Penological Purpose.

The standard used in analyzing excessive force claims in jail settings based on the Fourteenth Amendment has been described by the United States Supreme Court as follows:

“whether force was applied in a good faith effort to maintain or restore discipline or maliciously or sadistically for the very purpose of causing harm.” Whitley v. Albers, 475 U.S. 312, 320-21 (1984); Bozeman v. Orum, 422 F.3d 125 (11th Cir. 2005). In Hudson v. McMillian, the United States Supreme Court reasoned:

[C]orrections officers must balance the need “to maintain or restore discipline” through force against the risk of injury to inmate. . . . Prison administrators . . . should be accorded wide-ranging deference in the adoption and execution of policies and practices that in their judgment are needed to preserve internal order and discipline and to maintain institutional security.

503 U.S. 1, 6 (1992) (citations omitted). The factors to be considered in evaluating whether the use of force was wanton and unnecessary include: 1) the need for application of force; 2) the relationship between the need and the amount of force used; 3) the threat reasonably perceived by the prison official; 4) any efforts made to temper the severity of a forceful response; and 5) the extent of the injury suffered by the inmate. Whitley, 475 U.S. at 1085.

“The infliction of pain in the course of a prison security measure . . . does not amount to cruel and unusual punishment simply because it may appear in retrospect that the degree of force authorized or applied for security purposes was unreasonable, and hence unnecessary in the strict sense.” Whitley, 475 U.S. at 319.² In evaluating the challenged conduct of jail officials, a court must keep in mind the paramount concerns of maintaining order and discipline in an often dangerous and unruly environment. Ort v. White, 813 F.2d 318, 322 (11th Cir. 1987).

Prison administrators . . . should be accorded wide-ranging deference in the adoption and execution of policies and practices that in their judgment are needed to preserve internal order and discipline and to maintain institutional security. . . . That deference extends to prison security measures taken in response to an actual confrontation with riotous inmates, just as it does to prophylactic or preventive measures intended to reduce the incidence of these or any other breaches of prison discipline.

² The Supreme Court of the United States has recognized that “not every push or shove, even if it may later seem unnecessary in the peace of a judge’s chambers, violates the Fourth Amendment.” Graham v. Connor, 490 U.S. 386, 396 (1989); see also Hudson v. McMillian, 503 U.S. 1, 9 (1992) (citing same principle in reference to excessive force claim in a prison context).

Whitley, 475 U.S. at 321-322. “[T]he courts give great deference to the actions of prison officials in applying prophylactic or preventive measures intended to reduce the incidence of riots and other breaches of prison discipline.” Williams v. Burton, 943 F.2d 1572, 1576 (11th Cir. 1991). “When the ‘ever-present potential for violent confrontation and conflagration,’ . . . ripens into *actual* unrest and conflict, the admonition that ‘a prison’s internal security is peculiarly a matter normally left to the discretion of prison administrators,’ . . . carries special weight.” Whitley, 475 U.S. at 321 (emphasis in original). In Whitley, the court held that the “shooting [of an inmate in the leg] was part and parcel of a good-faith effort to restore prison security . . . [and] did not violate respondent’s Eighth Amendment right to be free from cruel and unusual punishments.” 475 U.S. at 319.

While placed in the context of a Fourth Amendment excessive force claim, courts have employed standards that are equally applicable to similar claims under the Fourteenth Amendment. “In analyzing whether excessive force was used, courts must look at the totality of the circumstances.” Garrett v. Athens-Clarke County, 378 F.3d 1274, 1280 (11th Cir. 2004). “We must look at the situation not with hindsight, but with the eye of the objectively reasonable officer on the scene.” Garrett, 378 F.3d at 1281. Analyzing a use of force claim “requires an evaluation of the officers’ reasonable apprehension to assess their responses to the circumstances confronting them, particularly in a rapidly evolving situation.” Carr v. Tatangelo, 338 F.3d 1259, 1268 n.17 (11th Cir. 2003).

The instant record demonstrates conclusively that Captain Davidson did not use his chemical spray maliciously, but for the legitimate purpose of enforcing the policies of the Randolph County Jail. An analysis of the instant record and the Whitley factors shows that as a matter of law, Captain Davidson did not use excessive force.

(ii) There was a strong need for force to be applied to the Plaintiff.

The first factor to consider under Whitley is the need for force. 475 U.S. at 1085. Here, there was a strong need for force due to the Plaintiff's noncompliance with Captain Davidson's reasonable orders, even after being warned three (3) times that noncompliance would result in spraying.

Captain Davidson determined that the Plaintiff should be put in a holding cell for administrative purposes. (Davidson Aff. at ¶ 9.) The policy was implemented for the legitimate safety and security concerns of calming the Plaintiff down so that he did not disturb or incite the other inmates. Id. As the United States Supreme Court has noted, this Court should give great deference to Captain Davidson:

Prison administrators are responsible for maintaining internal order and discipline, for securing their institutions against unauthorized access or escape, and for rehabilitating, to the extent that human nature and inadequate resources allow, the inmates placed in their custody. The Herculean obstacles to effective discharge of these duties are too apparent to warrant explication. Suffice it to say that the problems of prisons in America are complex and intractable, and, more to the point, they are not readily susceptible of resolution by decree. Most require expertise, comprehensive planning, and the commitment of resources, all of which are peculiarly within the province of the legislative and executive branches of government. For all of those reasons, courts are ill equipped to deal with the increasingly urgent problems of prison administration and reform. Judicial recognition of that fact reflects no more than a healthy sense of realism.

Id. at 548 n.30 (quoting Procunier v. Martinez, 416 U.S. 396, 404-05 (1974)).

The Plaintiff's actions, as documented in the record, demonstrate that he was non-compliant with requests to change cells. The Plaintiff refused at least three (3) separate requests to gather his belongings and move to the holding cell. Nevertheless, the Plaintiff was verbally non-compliant with Captain Davidson's instructions. The Plaintiff was using profanity.

The Plaintiff was able to continue struggling with Captain Davidson even after being sprayed and handcuffed, to the point that Captain Davidson was not even able to double lock the

handcuffs. At no point did the Plaintiff show any signs of complying with the officers. At one point, the Plaintiff was struggling so hard to get away from the control of Captain Davidson that the Defendant was required to pin him against a wall to regain control. Even while being decontaminated – pursuant to a policy intended to minimize the discomfort to the Plaintiff himself – the Plaintiff continued to thrash about so indiscriminately that he hit himself with a water hose.

The above facts and law lead to the inescapable conclusion that there was a legitimate need for force in this case. The Plaintiff was refusing to follow legitimate instructions intended for his own safety and well being, as well as the safety and well being of the other inmates and the jail staff. Captain Davidson had three (3) choices: give up, lay hands on the Plaintiff, or spray the Plaintiff.

(iii) The force used was reasonable in relation to the need for force.

The Eleventh Circuit has ruled that use of a TASER on a non-complying subject who was not under arrest or physical or fighting in any way was not an excessive use of force. Draper v. Reynolds, 369 F.3d 1270 (11th Cir. 2004). The Sixth Circuit has ruled that use of pepper spray on a non-compliant subject who was not under arrest or in custody and was not physically resistant was nevertheless a reasonable use of force. Monday v. Oullette, 118 F.3d 1099 (6th Cir. 1997).

Captain Davidson's decision to use a non-lethal force option – in this case, chemical spray – was undeniably reasonable, particularly in light of Draper and Monday. Furthermore, the use of chemical spray on the Plaintiff does not violate the Constitution. Federal appellate courts addressing the issue have authorized the use of force generally to effect inmate obedience. Caldwell v. Moore, 968 F.2d 595, 602 (6th Cir. 1992) (holding that prison officials are entitled to

use physical force to compel obedience by inmates); Jolivet v. Cook, 48 F.3d 1232, *1 (10th Cir. 1995) (affirming the district court's granting of correction officers' Motion to Dismiss where Plaintiff alleged that the Defendants used a TASER on him after he refused three (3) requests for him to submit to being handcuffed). Even under the more stringent Fourth Amendment standard for analyzing excessive force cases, this and other federal district courts have found no Constitutional violation under similar circumstances. Magee v. City of Daphne, 2006 WL 3791971, *10 (S.D. Ala. 2006) (granting officers Summary Judgment where they used TASERs on an unarmed and intoxicated domestic violence suspect who refused to comply with verbal commands); Devoe v. Rebant, 2006 WL 334297, *6-7 (E.D. Mich. 2006) (relying on Draper and granting Summary Judgment to an officer who used TASER in drive stun mode on resisting *handcuffed* arrestee who was refusing to get in the patrol car).

(iv) Captain Davidson reasonably perceived that the situation posed a potentially significant threat.

As set forth in the immediately preceding sections, at the time Captain Davidson decided to employ his chemical spray, the Plaintiff was being definitively non-compliant. Despite being warned three (3) times that refusal to accompany the Defendant to a holding cell would result in chemical spray being employed, the Plaintiff refused to obey Captain Davidson's orders, but instead argued and cursed at the correctional officers. If Captain Davidson had not used his chemical spray, he would have been forced to physically place hands on the Plaintiff, which would have significantly escalated the situation and increased the danger of injury to the Plaintiff and the correctional officers. The Sixth Circuit has determined that use of pepper spray on a non-violent, non-compliant subject – even a subject that was not under arrest – constitutes a reasonable use of force. Monday v. Oullette, 118 F.3d 1099 (6th Cir. 1997).

“We must avoid substituting our personal notions of proper police procedure for the instantaneous decision of the officer at the scene. We must never allow the theoretical, sanitized

world of our imagination to replace the dangerous and complex world that policemen face every day.” Smith v. Freland, 954 F.2d 343, 347 (6th Cir. 1992). “The Constitution simply does not require police to gamble with their lives in the face of a serious threat of harm.” Elliott v. Leavitt, 99 F.3d 640, 641 (4th Cir. 1996).

(v) Captain Davidson tempered the force used.

The undisputed evidence in the record demonstrates conclusively that Captain Davidson took several steps to temper and mitigate the amount of force he used. He initially warned the Plaintiff three (3) times of the imminent use of chemical spray. At any time, had the Plaintiff chosen, he could have avoided being sprayed altogether. Further, after he got the Plaintiff handcuffed, Captain Davidson attempted to double lock the handcuffs to prevent the Plaintiff from experiencing pain and discomfort. Again, the Plaintiff’s own actions prevented Captain Davidson from accommodating the Plaintiff in that way. Pursuant to Jail policy, once the Plaintiff was handcuffed, Captain Davidson immediately attempted to decontaminate him by washing him with shampoo and water from a water hose, thereby removing the residual chemical spray and easing the Plaintiff’s discomfort. Finally, once the Plaintiff was in the holding cell, Captain Davidson retrieved the Plaintiff’s inhaler and provided it to the Plaintiff so that the Plaintiff would not suffer chest pains or difficulty breathing due to his asthma.

(vi) Any injury inflicted on the Plaintiff by Captain Davidson was minor.

There is absolutely no evidence in the record that Captain Davidson’s chemical spray, control tactics, or the water hose caused any significant harm to the Plaintiff. The Plaintiff has not alleged that he suffered any injury whatsoever from the chemical spray, and has not sought medical treatment for any such injury. The Plaintiff did not seek treatment for his alleged head injury, and no such injury was noted by any of the Randolph County corrections officers. The Plaintiff has not claimed that he suffered any injury from being pinned against the jail wall, has

not sought medical attention for any such injury, and no injury was noted by any of the Randolph County corrections officers. The Plaintiff did seek medical assistance for his wrists, which were potentially injured by the handcuffs due to the Plaintiff's own actions in not permitting the handcuffs to be double locked. However, upon examination, the Lee County Jail physician indicated that he had strength and movement in his hand, and ***did not deem it significant enough to even prescribe an aspirin for it*** (he merely indicated that he would "recheck" his hand in a week).

At worst, the Plaintiff wound up with minor numbness in his hand. The Plaintiff was never admitted as an in-patient. The Plaintiff's "injuries" were mere "subjective numbness" that had no impact on the Plaintiff's ability to function. (Medical File.)

Putting all the elements together, the Eleventh Circuit recently affirmed a district court's Order granting Summary Judgment in favor of two deputies who were accused of excessive force by an inmate. Butler v. Hutson, 147 Fed.Appx. 62 (11th Cir. August 12, 2005). In Butler, the Plaintiff and another inmate had had a fight in one of the pod areas. The Defendants, Deputies, moved the two inmates into the multipurpose room and told them to remain seated in chairs at opposite ends of the room. The deputies left the room and then returned and found the two inmates arguing and the Plaintiff moving toward the other inmate. One of the deputies then struck the Plaintiff, causing him to trip and fall and break his jaw. The Eleventh Circuit found that because the Plaintiff posed a threat to another inmate and disobeyed the deputies order to remain seated, and because the Defendant did not have time for any other measures, and because the deputy did not apply any further force once the Plaintiff complied with the order to sit down, the deputies' actions did not rise to the level of "malicious and sadistic" conduct for the very purpose of causing harm. Butler v. Hutson, 147 Fed.Appx. at 65.

Just as in Butler, the Plaintiff in this case was belligerent, argumentative and noncompliant. He refused to obey orders. The Plaintiff's injuries in Butler were far more severe than those complained of by the instant Plaintiff. Finally, Captain Davidson applied only the minimal amount of force required to achieve compliance. If the actions of the deputies in Butler were not malicious or sadistic, clearly, as a matter of law, neither are the actions of Captain Davidson.

B. The Plaintiff's Injuries Were *De Minimis*.

The *de minimis* nature of the Plaintiff's alleged injuries also mandates judgment in Captain Davidson's favor as a matter of law. Nolin v. Isbell, 207 F.3d 1253, 1257 (11th Cir. 2000) (holding that the application of *de minimis* force will not support a claim for excessive force in violation of the Fourth Amendment.) In Nolin, the Defendant officer grabbed the Plaintiff from behind by the shoulder and wrist, threw him against a van three or four feet away, kned him in the back, pushed his head into the side of the van, searched his groin area in an uncomfortable manner, and placed the Plaintiff in handcuffs. 207 F.3d at 1255. The Plaintiff allegedly suffered bruising to his forehead, chest, and wrists. Id.

As just discussed, there is no evidence that anything Captain Davidson did caused the Plaintiff any injury whatsoever. Even if Captain Davidson was responsible for the alleged numbness in the Plaintiff's hand, even that injury is *de minimis*.

(a) No Clearly Established Law Provided Captain Davidson with "Fair Warning" that His Conduct Violated the Plaintiff's Federally Protected Rights.

Assuming that there was substantial evidence in the record, demonstrating that Captain Davidson used excessive force, the Plaintiff must still show that clearly established law provided Captain Davidson with fair warning that his conduct was unlawful by either (1) pointing to a case

with materially similar facts holding that the conduct engaged in was illegal; or (2) demonstrating that a pertinent federal statute or federal constitutional provision is specific enough to demonstrate conduct was illegal, even in the total absence of case law. Storck v. City of Coral Springs, 354 F.3d 1307, 1317 (11th Cir. 2003) (citations omitted). The Eleventh Circuit has identified the latter method as an “obvious clarity” case. Vinyard v. Wilson, 311 F.3d 1340, 1350 (11th Cir. 2002) (footnote omitted). In order to show that the conduct of Captain Davidson was unconstitutional with “obvious clarity,” “the unlawfulness must have been apparent.” Willingham, 321 F.3d at 1301. “Unless a government agent’s act is so obviously wrong, in the light of pre-existing law, that only a plainly incompetent officer or one who was knowingly violating the law would have done such a thing, the government actor has immunity from suit.” Storck, 354 F.3d at 1318 (quoting 28 F.3d at 1149).

Although there is no Supreme Court, Eleventh Circuit, or Georgia Supreme Court decision regarding pepper spray use in a jail, other courts have addressed its use. Jackson v. City of Bremerton, 268 F.3d 646 (9th Cir. 2001) (finding use of chemical irritant reasonable force when applied against non-compliant individuals); Baldwin v. Stalder, 137 F.3d 836 (5th Cir. 1998) (finding that use of mace by prison official on one or two inmates who were creating disturbance was reasonable); Monday v. Oullette, 118 F.3d 1099 (6th Cir. 1997) (finding that while the subject was neither verbally nor physically combative, use of pepper spray was reasonable when he refused to follow the lawful order of a law enforcement officer); Ludwig v. Anderson, 54 F.3d 465 (8th Cir. 1995) (holding that arresting officers violated no established Constitutional right by macing an arrestee); Gainor v. Douglas County, Georgia, 59 F. Supp. 2d 1259, 1287 (N.D.Ga. 1998) (holding that “the use of pepper spray has previously been found to be reasonable because “as a means of imposing force, pepper spray is generally of limited intrusiveness,” and it is “designed to disable a suspect without causing permanent physical

injury.”); Griffin v. City of Clanton, Ala., 932 F. Supp. 1359 (M.D. Ala. 1996). However, while supporting Captain Davidson’s use of chemical spray against the Plaintiff, none of these cases can establish law for purposes of qualified immunity analysis. The fact is that there is no clearly established law in the Eleventh Circuit regarding the use of pepper spray in these circumstances. Accordingly, even if the Plaintiff could establish a Constitutional violation, he cannot show the requisite “fair warning” necessary to overcome Captain Davidson’s entitlement to qualified immunity. Because the Plaintiff cannot meet both of his burdens under the qualified immunity analysis, Captain Davidson is entitled to judgment in his favor as a matter of law.

IV. MOTION FOR SUMMARY JUDGMENT

A. Summary Judgment Standard

On a Motion for Summary Judgment, the court should view the evidence in the light most favorable to the nonmovant. Greason, 891 F.2d at 831. However, a plaintiff “must do more than show that there is some metaphysical doubt as to the material facts.” Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986). Only reasonable inferences with a foundation in the record inure to the nonmovant’s benefit. See Reeves v. Sanderson Plumbing Products, Inc., 530 U.S. 133 (2000). “[T]he court should give credence to the evidence favoring the nonmovant as well as that ‘evidence supporting the moving party that is uncontradicted or unimpeached, at least to the extent that that evidence comes from disinterested witnesses.’” Reeves, 530 U.S. at 151, quoting 9A C. Wright & A. Miller, Federal Practice and Procedure § 2529, p. 299.³ “A reviewing court need not ‘swallow plaintiff’s invective hook, line and sinker; bald assertions, unsupportable conclusions, periphrastic circumlocutions, and the like need not be

³ Although Reeves was a review of a Motion for Judgment as a matter of law after the underlying matter had been tried, the Supreme Court, in determining the proper standard of review, relied heavily on the standard for Summary Judgment stating, “the standard for granting Summary Judgment ‘mirrors’ the standard for Judgment as a matter of law, such that ‘the inquiry under each is the same.’” Reeves, 530 U.S. at 150, citing Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 250-251 (1986); Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986).

credited.”” Marsh v. Butler County, 268 F.3d 1014, 1036 n.16 (11th Cir. 2001) (en banc) quoting Massachusetts School of Law v. American Bar, 142 F.3d 26, 40 (1st Cir. 1998).

B. Motion for Summary Judgment

Defendant respectfully requests that this honorable Court treat this Special Report as a Motion for Summary Judgment and grant unto him the same.

Respectfully submitted on this the 5th day of March, 2007.

s/Scott W. Gosnell
SCOTT W. GOSNELL, Bar Number: GOS002
Attorney for Defendant
WEBB & ELEY, P.C.
7475 Halcyon Pointe Road
P.O. Box 240909
Montgomery, Alabama 36124
Telephone: (334) 262-1850
Fax: (334) 262-1889
E-mail: sgosnell@webbeley.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 5th day of March, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF and served the following by U.S. Mail:

Tony Lamar Pinkard, Sr.
Lee County Detention Facility
P.O. Box 2407
Opelika, Alabama 36801

s/Scott W. Gosnell
OF COUNSEL

EXHIBIT A

Inmate Tony Lamar Pinkard's Inmate File

Booking Number: 20070000

Charge: FTA; CHILD SUPPORT, FTA; DV HARASSMENT, FTA DOI

Book Date: 01-08-07 Time: 1530 Type: _____

Arrest Date: 01-08-07 Time: 1500 Transfer In: _____

Arresting Agency: RCSO Arresting Officer: FULLER/DILLARD

Booking Officer: D'ACQUISTO Searched By: D'ACQUISTO

Type Search: Cloth _____ Metal _____ Pat ☒ Strip _____ Cavity _____

Photo Available: YES Print Taken: YES Phone Call Made: YES

Property In Property Room

Bag # BTN #1

- JACKET -

- RED SHIRT -

- BLUE SHIRT -

- BLUE JEANS -

- BLUE BOXERS -

Property In Safe

Money \$ _____

- BELT -

- LIGHTER -

/ Earring yellow in color

Signature of Inmate: [Signature]

Signature of Inmate Upon Release: X [Signature]

RANDOLPH COUNTY JAIL BOOKING SHEET

DATE 05-08-07 BOOKING NUMBER 20070020NAME PINKARD, TONY LAMARPHONE 215-1198 EYE BRO HAIR BLKADDRESS 201 AIRPORT RDCITY OPALICA STATE AL ZIP 36804DOB 08-16-73 SEX M RACE BLK HT 6'2WT 175 SOC 420-94-5151 DL —PLACE OF BIRTH ROANOKE STATE ALEMPLOYER HALL TREE SERVICE POSITION LABORERADDRESS AUBURN PHONE —REMARKS —RELEASE DATE 1-09-07 BY —SCARS/TATTOOS ——
—
—
—
—

BOOKING NUMBER 20070080

THE RANDOLPH COUNTY JAIL WILL NOT BE HELD RESPONSIBLE FOR ANY PROPERTY LEFT AFTER THIRTY DAYS OF BEING RELEASED OR TRANSFERRED TO ANOTHER FACILITY. WE RESERVE THE RIGHT TO DISPOSE OF ALL SAID PROPERTY LEFT AFTER THIRTY DAYS.

I AUTHORIZE THE RANDOLPH COUNTY SHERIFF'S DEPARTMENT TO INSPECT ANY INCOMING OR OUTGOING MAIL ADDRESSED TO OR FROM ME.

I HAVE RECEIVED OR HAVE BEEN READ A COPY OF THE RANDOLPH COUNTY JAIL RULES AND INFORMATION FOR INMATES.

X

INMATE SIGNATURE

01-08-07

DATE

Booking Number: 20070020

Items issued to inmate:

	Returned
<input type="checkbox"/> Mattress (\$100)	<input type="checkbox"/>
<input type="checkbox"/> Sheet (\$15)	<input type="checkbox"/>
<input type="checkbox"/> Mattress Cover (\$10)	<input type="checkbox"/>
<input type="checkbox"/> Blanket (\$25)	<input type="checkbox"/>
<input type="checkbox"/> Towel (\$15)	<input type="checkbox"/>
<input type="checkbox"/> Washcloth (\$5)	<input type="checkbox"/>
<input type="checkbox"/> Toothbrush	
<input type="checkbox"/> Toothpaste	
<input type="checkbox"/> Soap	
<input type="checkbox"/> Comb	
<input type="checkbox"/> Cup	

You will be held responsible for all items you are issued. If the items are not returned or returned defaced in any way, you are liable for the cost.

I received the above listed items.

Inmate Signature: _____ Date: _____

Booking Number: 20070020

Relationship Status: MARRIED

Next of Kin: MINNIE PROTHRO

Address: _____

Phone: 357-2029 Relationship: GRAND MOTHER

Hand: RIGHT

Vision Problems: No

Write English: YES

Read English: YES

Speak English: YES

Education Level: 12TH

Hearing Problems: NO

Suffix Name: NO

Religion: —

Gang: No

HEALTH SCREENING FORM

1. HAVE YOU EVER HAD OR BEEN TREATED FOR:

<u>Y</u> ASTHMA	<u>N</u> ALCOHOLISM
<u>N</u> HEART CONDITION	<u>N</u> MENTAL ILLNESS
<u>N</u> HYPERTENSION	<u>N</u> VENERAL DISEASE
<u>N</u> DIABETES	<u>N</u> TUBERCULOSIS
<u>N</u> EPILEPSY OR SEIZURE	<u>N</u> ULCER
<u>N</u> DRUG ADDICTION	<u>N</u> HEPATITIS
<u>N</u> FAINTING SPELLS	<u>N</u> HIGH BLOOD PRESSURE
	____ ANY OTHER

IF ANY RESPONSE IS YES, EXPLAIN AND GIVE DATE OF LAST TREATMENT

N 2. HAVE YOU RECENTLY BEEN HOSPITALIZED OR TREATED BY A DOCTOR?

EXPLAIN _____

Y 3. DO YOU CURRENTLY TAKE PRESCRIBED MEDICATION?

EXPLAIN ALBUTEROL, ELEVAL

N 4. HAVE YOU EVER ATTEMPTED SUICIDE OR ARE YOU THINKING ABOUT IT NOW? EXPLAIN _____

N 5. DO YOU USE ALCOHOL OR STREET DRUGS?

EXPLAIN _____

Y 6. ARE YOU ALLERGIC TO ANYTHING?

EXPLAIN PENICILLIN

N 7. DO YOU REQUIRE A SPECIAL DIET PRESCRIBED BY A DOCTOR? EXPLAIN _____

N 8. ARE THERE ANY CERTAIN FOOD YOU CANNOT EAT?

EXPLAIN _____

NO 9. HAVE YOU EVER BEEN DETERMINED TO BE HIV POSITIVE? WHEN? _____

YES 10. DO YOU HAVE PROBLEMS WITH YOUR TEETH?

EXPLAIN BROKE TOOTH

Y 11. ARE THERE ANY OTHER MEDICAL PROBLEMS WE SHOULD KNOW ABOUT? EXPLAIN ASTHMA

NO 12. DO YOU HAVE PERSONEL DOCTOR? WHO? _____

CHECK ONE

✓ THIS INMATE WAS COOPERATIVE IN RESPONDING TO THE ABOVE QUESTIONS AND ALLOWING ME TO OBSERVE HIM.

____ THIS INMATE REFUSED OR WAS UNABLE TO COOPERATE AND REFUSED TO ANSWER MY QUESTIONS CONCERNING HIS MEDICAL HISTORY AND/OR POTENTIAL FOR SUICIDE. REASON FOR INABILITY: _____

Booking Number: 20000

Visual Assessment

Yes/No

- No 1) Is inmate unconscious?
- No 2) Does the inmate have any visible signs of trauma, illness, obvious pain or bleeding requiring immediate Doctor's care?
- No 3) Is there any obvious fever, swollen lymph nodes, Jaundice or other signs of infection that may spread throughout the facility?
- No 4) Any signs of poor skin conditions, rashes, vermin or needle marks?
- No 5) Does inmate appear to be under the influence of drugs or alcohol?
- No 6) Any visible signs of alcohol or drug withdrawal?
- No 7) Does inmate appear to be a risk of suicide or assault?
- No 8) Is inmate carrying medication?
- No 9) Does inmate have any physical deformities?
- No 10) Does inmate appear to have psychiatric problems?

For Females Only

- 11) Are you pregnant?
- 12) Have you recently delivered?
- 13) Do you take birth control?

ALABAMA COUNTY JAIL INCIDENT REPORT

I report the following incident which occurred at 23 o'clock Pm. m. at the following location RC Jail B-Block

Below give a full description of the incident. Be certain to include names of all persons involved, either as participants or witnesses. If a participant or witness is not a jail employee, please give full address.

While removing T.U.'s Sgt Sharon Satterwhite noticed that Inmate Tony Pinkard had a nipple ring on. Sgt Satterwhite told him to hand it over. Inmate Pinkard put it on his Eng as a wedding band. Sgt Satterwhite flipped the light switches in Crows Nest. Inmate Pinkard was beating and yelling for Sgt Satterwhite. Inmates in B-Block complaining that when they couldn't turn the lights on and had to use the bath room. Men were urinating on each other because room's don't have lights.

Forward to Jail Administration when complete. Use additional sheets, if necessary.

Reporting Officer: Sgt Sharon Satterwhite

Date of Report: 1-8-06 Time: 0535

Report given to: Captain Craig Davidson

Report received by: _____
(Signature of receiving officer)

Date received: _____ Time received: _____

ALABAMA COUNTY JAIL
INCIDENT REPORT

I report the following incident which occurred at 0500 o'clock Am m. at the following location B Block

Below give a full description of the incident. Be certain to include names of all persons involved, either as participants or witnesses. If a participant or witness is not a jail employee, please give full address.

Officer Ronald Smith Was Giving out Breakfast Trays
Upstairs I/m Tony Pinkard Starting Beating on Door
Asking for Another Tray Officer Ronald Smith
Told I/m Tony Pinkard We did Not have Any extra
Trays To Give out, I/m Tony Pinkard did Not Say
Anything Else, Officer Ronald Smith Went To Pick
Up Trays I/m Tony Pinkard Starting Beating on
Door Again Because Their Lights in B Block Wouldnt
Come On.

Forward to Jail Administration when complete. Use additional sheets, if necessary.

Reporting Officer: Ronald Smith

Date of Report: 01-09-07 Time: 0500

Report given to: Captain Craig Davidson

Report received by: _____
(Signature of receiving officer)

Date received: _____ Time received: _____

ALABAMA COUNTY JAIL INCIDENT REPORT

I report the following incident which occurred at 7:20 o'clock a m. at the following location B-Block

Below give a full description of the incident. Be certain to include names of all persons involved, either as participants or witnesses. If a participant or witness is not a jail employee, please give full address.

After reading Incident Reports on Tony Pinkard last night, Myself (J-7) and Capt. Craig Davidson (J-2) went up stairs to talk to him about what was going on. Capt Davidson explain to him because of his action he was going to be placed in a holding cell for the time being for administrative reasons. Inmate Tony Pinkard yelled I didn't fucking do anything. Capt Davidson again advised him to get his things, he was going to a holding cell. Inmate Pinkard said again that he didn't

Forward to Jail Administration when complete. Use additional sheets, if necessary.

Reporting Officer: Matt Fendley J-7

Date of Report: 1-09-07 Time: 8:00

Report given to: Capt. Davidson

Report received by: [Signature]
(Signature of receiving officer)

Date received: Jan 9, 2007 Time received: 0800

INCIDENT REPORT SUPPLEMENT

not do anything. Capt. Davidson advised inmate Pinkard again to get his things and if he ran his mouth and refused again he was going to be sprayed. Inmate Tony Pinkard refused again and yelled he did not do anything. Capt. Davidson then sprayed Tony Pinkard. Capt. Davidson took Tony Pinkard outside and decontaminated him when he came into compliance. The block was also decontaminated. Tony Pinkard was moved to a holding cell after decontamination.

MF

MF

MF

MF

PINKARD, TONY L.

JAN. 9, 2007

ALABAMA COUNTY JAIL
INCIDENT REPORT

I report the following incident which occurred at 0730 o'clock ____ m. at the following location B-Block

Below give a full description of the incident. Be certain to include names of all persons involved, either as participants or witnesses. If a participant or witness is not a jail employee, please give full address.

After reading reports from the previous night I ordered Mr Pinkard to be moved to 750 for Alvin segregation. I went to B-Block to assist with the move. Mr Pinkard was ordered 3 times to pack his belongings, he was arguing and refusing to move. I advised him that if he didn't stop arguing and pack his stuff he would be sprayed. When Mr Pinkard kept refusing I sprayed him with OC Spray. After Mr was sprayed he was restrained after a brief struggle. Once cuffed Mr Pinkard was still trying to

Forward to Jail Administration when complete. Use additional sheets, if necessary.

Reporting Officer: [Signature]Date of Report: Jan. 9, 2007Time: 0800

Report given to: _____

Report received by: _____

(Signature of receiving officer)

Date received: _____

Time received: _____

INCIDENT REPORT SUPPLEMENT

resist by pulling away from me. He pulled himself into a door upstairs. Once in the elevator the Pinkard was trying to switch away from me again. I pinned him into the corner for his safety. Once downstairs the was taken out for decon. When decon was completed the was placed in ISO. The requested his Asthma inhaler and it was given. The is presently not complaining of any pain or adverse symptoms. The rest of the block was taken outside for fresh air and decon procedures.

RANDOLPH COUNTY
SHERIFF'S DEPARTMENT
USE OF FORCE

DAY	DATE	MO.	YEAR	TIME	LAST NAME (Suspect)	FIRST NAME	MID. INTL.	Location of Arrest
Tues.	9th	JAN.	2007	0720	Pinkard	Tony	L.	

ARREST MADE ☐ YES ☐ NO

LEVEL OF RESISTANCE

(May check more than one)

- ☐ 1. No force, no handcuffs.
- ☐ 2. No force, suspect handcuffed.
- ☐ 3. Unarmed suspect resisted control, had to be physically handled with minimal force, no blows were struck, all parties remained standing.
- ☐ 4. Number 3, plus at least one more officer was needed for assistance.
- ☐ 5. Unarmed suspect resisted control, officer or suspect fell to the ground or blows were struck, no police weapons were used.
- ☐ 6. Number 5, plus at least one more officer was needed for assistance.
- ☒ 7. Unarmed suspect resisted control, police weapon(s) used.
- ☐ 8. Number 7, plus at least one more officer was needed for assistance.
- ☐ 9. Suspect armed with club or similar weapon and threatened or attacked officer.
- ☐ 10. Suspect armed with knife or similar weapon and threatened or attacked officer.
- ☐ 11. Suspect used motor vehicle to assault one or more officers.
- ☐ 12. Suspect armed with firearm threatened officer.
- ☐ 13. Suspect armed with firearm shot at officer.
- ☐ 14. Other _____

POLICE WEAPONS USED

(May check more than one)

- ☐ 1. None.
- ☐ 2. Fist or hands.
- ☐ 3. Federal Streamer.
- ☐ 4. Standard baton.
- ☐ 5. Riot baton.
- ☐ 6. Flashlight.
- ☐ 7. Canine.
- ☐ 8. Service revolver pointed at suspect.
- ☐ 9. Service revolver fired.
- ☐ 10. Shotgun pointed at suspect.
- ☐ 11. Shotgun fired.
- ☐ 12. Chemical munitions.
- ☐ 13. Capture nets, restraints, or similar.
- ☐ 14. Concussion grenades.
- ☐ 15. Special firearms.
- ☒ 16. Other OC Spray

III. EFFECT OF FORCE/RESISTANCE ON SUSPECT/POLICE

(Check one in suspect column, may check more than one in police column)

Suspect, Police

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

- 1. No visible injury, no complaint of pain.
- 2. No visible injury, complaint of minor pain, no medical treatment required.
- 3. Minor visible injury (redness, swelling, abrasion), no medical treatment required.
- 4. Injury requiring outpatient medical treatment (stitches, x-rays, doctor's exam).
- 5. Minor injury requiring paramedic exam.
- 6. Injury requiring overnight hospitalization.
- 7. Died.

REPORTING OFFICER	BADGE #	REPORTING OFFICER	BADGE #	SHIFT	SUPV.	PHOTO	CASE #
<u>Davidson, C</u>	<u>12</u>	<u>J2</u>	<u>#2</u>				

ADDITIONAL COMMENTS: SEE REPORT

**OFFICE OF THE SHERIFF
RANDOLPH COUNTY**

P.O. Box 347 - Wedowee, Alabama 36278
Phone: 256 / 357-4545 - Fax: 256 / 357-2790

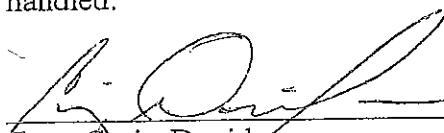
JEFFERY FULLER
Sheriff

WILLIAM DILLARD
Chief Deputy

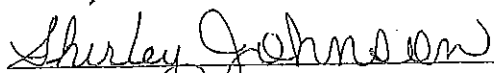
APRIL 12, 2004

TO: ALL INMATES
FROM: CAPT. CRAIG DAVIDSON
CHIEF SHIRLEY JOHNSON
SHERIFF JEFF FULLER
REF: DR. APPTS AND PRESCRIPTIONS

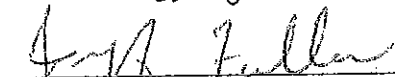
Effective May 1, 2004 all doctor visits to the jail doctor will result in your inmate account being charged \$5.00. This is in addition to the \$25.00 that you already paying per visit. The \$5.00 will go to the jail as our charge for handling your appointment. If you are indigent you will be NOT refused the right to see the doctor. However if you are indigent then your account will go into a negative balance, and the first available funds the balance will be deducted. There will be a fee of \$1.00 for each prescription that is handled.



Capt. Craig Davidson



Chief Shirley Johnson



Sheriff Jeff Fuller

**OFFICE OF THE SHERIFF
RANDOLPH COUNTY**

P.O. Box 347 - Wedowee, Alabama 36278
Phone: 256 / 357-4545 - Fax: 256 / 357-2790

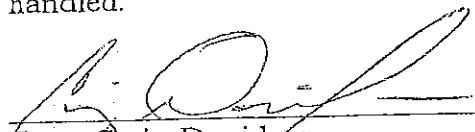
JEFF FULLER
Sheriff

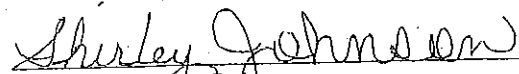
WILLIAM DILLAI
Chief Deputy

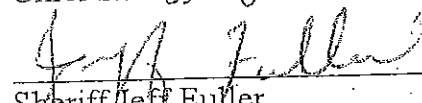
APRIL 12, 2004

TO: ALL INMATES
FROM: CAPT. CRAIG DAVIDSON
CHIEF SHIRLEY JOHNSON
SHERIFF JEFF FULLER
REF: DR. APPTS AND PRESCRIPTIONS

Effective May 1, 2004 all doctor visits to the jail doctor will result in your inmate account being charged \$5.00. This is in addition to the \$25.00 that you already paying per visit. The \$5.00 will go to the jail as our charge for handling your appointment. If you are indigent you will be NOT refused the right to see the doctor. However if you are indigent then your account will go into a negative balance, and the first available funds the balance will be deducted. There will be a fee of \$1.00 for each prescription that is handled.



Capt. Craig Davidson

Chief Shirley Johnson

Sheriff Jeff Fuller

**OFFICE OF THE SHERIFF
RANDOLPH COUNTY**

P.O. Box 347 - Wedowee, Alabama 36278
Phone: 256 / 357-4545 - Fax: 256 / 357-2790

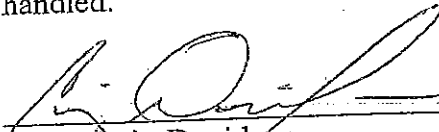
JEFFERY FULLER
Sheriff

WILLIAM DILLARD
Chief Deputy

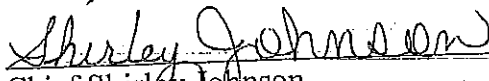
APRIL 12, 2004

TO: ALL INMATES
FROM: CAPT. CRAIG DAVIDSON
CHIEF SHIRLEY JOHNSON
SHERIFF JEFF FULLER
REF: DR. APPTS AND PRESCRIPTIONS

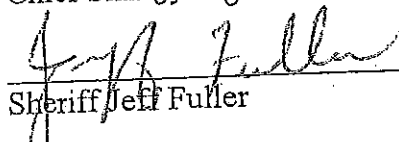
Effective May 1, 2004 all doctor visits to the jail doctor will result in your inmate account being charged \$5.00. This is in addition to the \$25.00 that you already paying per visit. The \$5.00 will go to the jail as our charge for handling your appointment. If you are indigent you will be NOT refused the right to see the doctor. However if you are indigent then your account will go into a negative balance, and the first available funds the balance will be deducted. There will be a fee of \$1.00 for each prescription that is handled.



Capt. Craig Davidson



Chief Shirley Johnson



Sheriff Jeff Fuller

ALIAS CAPIAS WRIT OF ARREST DISTRICT COURT

THE STATE OF ALABAMA

CASE NO. CS 2003-104

RANDOLPH COUNTY, ALABAMA

DHR NO. 17934

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO ARREST **TONY L. PINKARD**, AND

BRING HIM BEFORE THE RANDOLPH COUNTY DISTRICT COURT,

INSTANTER TO ANSWER TO THE STATE OF ALABAMA ON A CHARGE OF

CONTEMPT OF COURT FOR FAILURE TO APPEAR AGAINST THE PEACE AND

DIGNITY OF THE STATE OF ALABAMA.

WITNESS MY HAND THE 17TH DAY OF NOVEMBER, 2004.

W Patrick Whaley
JUDGE, DISTRICT COURT
RANDOLPH COUNTY, ALABAMA

Filed in Office

TONY L. PINKARD
448 HIGHLAND AVENUE
WADLEY, AL 36276

DEC - 2 2004

KIM S. BENEFIELD
Clerk of Circuit Court

DESCRIPTION: BLACK MALE, DOB: 8-16-1973, AGE: 31, SSN: 420-94-5151,
HT: 5'09", WT: 150

CHILD SUPPORT ARREARS: \$569.00 OWED AS OF NOVEMBER 15, 2004,
PLUS INTEREST OF \$65.12, AND GENETIC TEST FEES OF \$240.00

Received in this office

Time

Date

12/30/04

EXECUTED THIS THE 25th DAY OF

Feb.

20 05

BY HANDING A COPY OF THE WITHIN TO

Tony L. Pinkard

44 CR 885 Wadley, AL

JEFFERY L. FULLER, SHERIFF

Randolph County, Alabama

By

James D. Bahr

D.S.

Received at County Jail

Time

0850

Date

12-6-04

ALABAMA UNIFORM ARREST REPORT

Fingerprinted	R84 Completed
<input type="checkbox"/> 1 Yes	<input type="checkbox"/> 1 Yes
<input type="checkbox"/> 2 No	<input type="checkbox"/> 2 No

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

IDENTIFICATION	1 ORI #	2 AGENCY NAME	3 CASE #	4 SFX
	5 LAST, FIRST, MIDDLE NAME	6 ALIAS AKA		
	7 SEX	8 RACE	9 HGT.	10 WGT.
	11 EYE	12 HAIR	13 SKIN	14
ARREST	15 PLACE OF BIRTH (CITY, COUNTY, STATE)	16 SSN	17 DATE OF BIRTH	18 AGE
	19 MISCELLANEOUS ID #	20 SID #	21 FINGERPRINT CLASS	22 DL #
	23 ST	24 FBI #	25 IDENTIFICATION COMMENTS	
	26 <input type="checkbox"/> 1 RESIDENT	27 HOME ADDRESS (STREET, CITY, STATE, ZIP)	28 RESIDENCE PHONE	29 OCCUPATION (BE SPECIFIC)
	30 EMPLOYER (NAME OF COMPANY/SCHOOL)	31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)	32 BUSINESS PHONE	
	33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP)	34 SECTOR #	35 ARRESTED FOR YOUR JURISDICTION?	36
	37 RESIST ARREST?	38 INJURIES?	39 ARMED?	40 DESCRIPTION OF WEAPON
	41 DATE OF ARREST	42 TIME OF ARREST	43 DAY OF ARREST	44 TYPE ARREST
	45 ARRESTED BEFORE?	46	47 UCR CODE	48 CHARGE-1
	49 CHARGE-2	50 STATE CODE/LOCAL ORDINANCE	51 WARRANT #	52 DATE ISSUED
VEHICLE	53 STATE CODE/LOCAL ORDINANCE	54 WARRANT #	55 DATE ISSUED	
	56 CHARGE-3	57 UCR CODE	58 CHARGE-4	59 UCR CODE
	60 STATE CODE/LOCAL ORDINANCE	61 WARRANT #	62 DATE ISSUED	63 STATE CODE/LOCAL ORDINANCE
	64 WARRANT #	65 DATE ISSUED	66 ARREST DISPOSITION	67 IF OUT ON RELEASE
	68 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)	69 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)	70 VYR	71 VMA
	72 VMO	73 VST	74 VCO TOP	75 TAG #
	76 LIS	77 LIY	78 VIN	79 IMPOUNDED?
	80 STORAGE LOCATION/IMPOUND #	81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED	82 JUVENILE	
	83 RELEASED TO	84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)	85 ADDRESS (STREET, CITY, STATE, ZIP)	86 PHONE
	87 PARENTS EMPLOYER	88 OCCUPATION	89 ADDRESS (STREET, CITY, STATE, ZIP)	90 PHONE
RELEASE	91 DATE AND TIME OF RELEASE	92 RELEASING OFFICER NAME	93 AGENCY/DIVISION	94 ID #
	95 RELEASED TO:	96 AGENCY/DIVISION	97 AGENCY ADDRESS	
	98 PERSONAL PROPERTY RELEASED TO ARRESTEE	99 PROPERTY NOT RELEASED/HELD AT:	100 PROPERTY #	
	101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)			
	102 SIGNATURE OF RECEIVING OFFICER	103 SIGNATURE OF RELEASING OFFICER		
	104 CASE #	105 SFX	106 CASE #	107 SFX
	108 CASE #	109 SFX	110 CASE #	111 SUPERVISOR
	112 ID #	113 ARRESTING OFFICER (LAST, FIRST, M.)	114 ID #	115 WATCH CMDR.
	116 ID #	117 WATCH CMDR.	118 ID #	119 ADDITIONAL CASES CLOSED

TYPE OR PRINT IN BLACK INK ONLY

ACJIC-34 REV. 10-90

BOOKING NUMBER 2005 0158

THE RANDOLPH COUNTY JAIL WILL NOT BE HELD RESPONSIBLE FOR ANY PROPERTY LEFT AFTER THIRTY DAYS OF BEING RELEASED OR TRANSFERRED TO ANOTHER FACILITY. WE RESERVE THE RIGHT TO DISPOSE OF ALL SAID PROPERTY LEFT AFTER THIRTY DAYS.

I AUTHORIZE THE RANDOLPH COUNTY SHERIFF'S DEPARTMENT TO INSPECT ANY INCOMING OR OUTGOING MAIL ADDRESSED TO OR FROM ME.

I HAVE RECEIVED OR HAVE BEEN READ A COPY OF THE RANDOLPH COUNTY JAIL RULES AND INFORMATION FOR INMATES.


INMATE SIGNATURE

2/25/05
DATE

Booking Number: 2005 0158

Items issued to inmate:

Returned

<u>1</u>	Mattress (\$100)
<u> </u>	Sheet (\$15)
<u>65</u>	Mattress Cover (\$10)
<u>1</u>	Blanket (\$25)
<u> </u>	Towel (\$15)
<u> </u>	Washcloth (\$5)
<u> </u>	Toothbrush
<u> </u>	Toothpaste
<u> </u>	Soap
<u> </u>	Comb
<u> </u>	Cup

You will be held responsible for all items you are issued. If the items are not returned or returned defaced in any way, you are liable for the cost.

I received the above listed items.

Inmate Signature:  Date: 2/25/05

Booking Number: 20050158

Relationship Status: married

Next of Kin: Refused

Address: /

Phone: / Relationship: /

Hand: L

Vision Problems: N

Write English: Y

Read English: Y

Speak English: Y

Education Level: 10th

Hearing Problems: N

Suffix Name: N

Religion: Christian

Gang: N

HEALTH SCREENING FORM

1. HAVE YOU EVER HAD OR BEEN TREATED FOR:

<u>Y</u> ASTHMA	<u>N</u> ALCOHOLISM
<u>N</u> HEART CONDITION	<u>N</u> MENTAL ILLNESS
<u>N</u> HYPERTENSION	<u>N</u> VENERAL DISEASE
<u>N</u> DIABETES	<u>N</u> TUBERCULOSIS
<u>N</u> EPILEPSY OR SEIZURE	<u>N</u> ULCER
<u>N</u> DRUG ADDICTION	<u>N</u> HEPATITIS
<u>N</u> FAINTING SPELLS	<u>N</u> HIGH BLOOD PRESSURE
	<u>Y</u> ANY OTHER
	<u>2</u> D3Ks in back

IF ANY RESPONSE IS YES, EXPLAIN AND GIVE DATE OF LAST TREATMENT

2/24/05 saw Doctor

2. HAVE YOU RECENTLY BEEN HOSPITALIZED OR TREATED BY A DOCTOR?

EXPLAIN 2/24/05

3. DO YOU CURRENTLY TAKE PRESCRIBED MEDICATION?

EXPLAIN inhaler / Advair

4. HAVE YOU EVER ATTEMPTED SUICIDE OR ARE YOU THINKING ABOUT IT NOW? EXPLAIN

5. DO YOU USE ALCOHOL OR STREET DRUGS?

EXPLAIN

6. ARE YOU ALLERGIC TO ANYTHING?

EXPLAIN Pencil

7. DO YOU REQUIRE A SPECIAL DIET PRESCRIBED BY A DOCTOR?

EXPLAIN

8. ARE THERE ANY CERTAIN FOOD YOU CANNOT EAT?

EXPLAIN Seafood

9. HAVE YOU EVER BEEN DETERMINED TO BE HIV POSITIVE? WHEN?

10. DO YOU HAVE PROBLEMS WITH YOUR TEETH?

EXPLAIN

11. ARE THERE ANY OTHER MEDICAL PROBLEMS WE SHOULD KNOW ABOUT? EXPLAIN

12. DO YOU HAVE PERSONEL DOCTOR? WHO? Dr Yomi Roaneke D.O.

CHECK ONE

☒ THIS INMATE WAS COOPERATIVE IN RESPONDING TO THE ABOVE QUESTIONS AND ALLOWING ME TO OBSERVE HIM.☐ THIS INMATE REFUSED OR WAS UNABLE TO COOPERATE AND REFUSED TO ANSWER MY QUESTIONS CONCERNING HIS MEDICAL HISTORY AND/OR POTENTIAL FOR SUICIDE. REASON FOR INABILITY:

Booking Number: 2005 0158

Visual Assessment

Yes/No

- no 1) Is inmate unconscious?
- no 2) Does the inmate have any visible signs of trauma, illness, obvious pain or bleeding requiring immediate Doctor's care?
- no 3) Is there any obvious fever, swollen lymph nodes, Jaundice or other signs of infection that may spread throughout the facility?
- no 4) Any signs of poor skin conditions, rashes, vermin or needle marks?
- Yes 5) Does inmate appear to be under the influence of drugs or alcohol?
- no 6) Any visible signs of alcohol or drug withdrawal?
- no 7) Does inmate appear to be a risk of suicide or assault?
- Yes 8) Is inmate carrying medication? inhaler
- No 9) Does inmate have any physical deformities?
- No 10) Does inmate appear to have psychiatric problems?

For Females Only

- 11) Are you pregnant?
- 12) Have you recently delivered?
- 13) Do you take birth control?

Booking Number: 20050158

Charge: FTA - Child Support

Book Date: 2/25/05 Time: 0010 Type: Full

Arrest Date: 2/24/05 Time: 2351 Transfer In: y

Arresting Agency: RCSO Arresting Officer: Jimmy Holmes

Booking Officer: Donna Hester Searched By: Jimmy Caldwell

Type Search: Cloth Metal Pat — Strip Cavity

Photo Available: y Print Taken: y Phone Call Made: y

Property In Property Room

Bag # 32
4 earrings
1 Belt

Property In Safe

Money \$ 0

Signature of Inmate: [Signature]
Signature of Inmate Upon Release: [Signature]

RANDOLPH COUNTY JAIL BOOKING SHEET

DATE 2/25/05 BOOKING NUMBER 20050158NAME Pinkard, Tony LamarPHONE — EYE Bro HAIR BlkADDRESS 448 Co Rd 885CITY Wadley STATE Al ZIP 36276DOB 8/16/73 SEX m RACE B HT 6'2WT 150 SOC 420-94-5151 DL —PLACE OF BIRTH Roanoke STATE AlEMPLOYER Disabled POSITION —ADDRESS — PHONE —REMARKS —RELEASE DATE 3-5-05 BY J-11 Police bondingSCARS/TATTOOS Forehead

AL ALA JUDICIAL INFORMATION : TEM

* * * IN THE DISTRICT COURT OF RANDOLPH COUNTY * * *

AGENCY NUMBER:

WARRANT NUMBER: WR 2005 000118.00
OTHER CASE NBR:

C O M P L A I N T

BEFORE ME THE UNDERSIGNED JUDGE/CLERK/MAGISTRATE OF THE DISTRICT COURT OF RANDOLPH COUNTY, ALABAMA, PERSONALLY APPEARED BOBBIE PINKARD WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE/SHE HAS PROBABLE CAUSE FOR BELIEVING, AND DOES BELIEVE THAT TONY PINKARD DEFENDANT, WHOSE NAME IS OTHERWISE UNKNOWN TO THE COMPLAINANT, DID WITHIN THE ABOVE NAMED COUNTY AND

ON OR ABOUT FEBRUARY 24, 2005 COMMIT THE CRIME OF HARASSMENT (SECTION 13A-011-008(A), CODE OF ALABAMA 1975), WITH INTENT TO HARASS, ANNOY OR ALARM ANOTHER PERSON, TO-WIT: BOBBIE PINKARD

(XX) STRIKE, SHOVE, KICK OR OTHERWISE TOUCH ANOTHER PERSON, TO-WIT: BOBBIE PINKARD, OR SUBJECT THEM TO PHYSICAL

CONTACT, TO-WIT: HITTING HER HEAD AGAINST THE REFRIGERATOR--

() DIRECT ABUSIVE OR OBSCENE LANGUAGE OR MAKE AN OBSCENE GESTURE, TO-WIT:

() TOWARD ANOTHER PERSON, TO-WIT: OR,

() DIRECT A THREAT, VERBAL OR NONVERBAL, TO-WIT: TOWARD ANOTHER PERSON, TO-WIT: WITH THE INTENT TO CARRY OUT THE THREAT,

A REASONABLE PERSON AND TARGET OF THE THREAT, CAUSING HIM/HER TO FEAR FOR THEIR SAFETY,

WITH THE VICTIM BEING A CURRENT OR FORMER SPOUSE, PARENT, CHILD, A PERSON WITH WHOM HE/SHE HAS A CHILD IN COMMON, A PRESENT OR FORMER HOUSEHOLD MEMBER, OR A PERSON WHOM HE/SHE HAS OR HAD A DATING RELATIONSHIP, IN VIOLATION OF 13A-008-132 OF THE CODE OF ALABAMA, AGAINST THE PEACE AND DIGNITY OF THE STATE OF ALABAMA.

Bobbie Pinkard

COMPLAINANT'S SIGNATURE

Bond # 5,000.⁰⁰

SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 25 DAY OF FEBRUARY, 2005.

Marlene Lindley
JUDGE/CLERK/MAGISTRATE OF DISTRICT COURT

CHARGES: DOM VIO 3RD-HARASSME 13A-006-132

M MISDEMEANOR

WITNESS FOR THE STATE

BOBBIE PINKARD/44 CR 885/WADLEY/36276

MICHAELA TYSON/44 CR 885/WADLEY/36276

OPERATOR: MAL DATE: 02/25/2005

State of Alabama Unified Judicial System Form C-52 Rev 7/80	CONSOLIDATED BOND (District Court, Grand Jury, Circuit Court)	Case Number ID YR Number
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IN THE District COURT OF Randolph COUNTY
STATE OF ALABAMA

vs. Tony Pinkard
448 Co Rd. 885
Wadley, AL 36276

We Tony Pinkard (Defendant) as principal
and Peck bonding co.
as sureties
agree to pay the State of Alabama Five Thousand \$5000.00 Dollars
unless the above named defendant appears before the District Court of said county on (Date) 3-15-05
at (Time) 900 A.M. or at the next session of circuit court of said county; there to await the action by the grand
jury and from session to session thereafter until discharged by law to answer to the charge of Harassment / DV 3rd

or any other charge. We hereby and severally certify that we have property over and above all debts and liabilities to the amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execution or other process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we especially waive our rights to claim exempt our wages or salary, that we have under the laws of Alabama.

It is agreed and understood that this is a continuing bond which shall continue in full force and effect until such time as the undersigned are duly exonerated.

Tony Pinkard 448 Co Rd 885 Wadley 36276 (L.S.)
Signature of Defendant Address (Print) City

Peck bonding co. 19930 Highway 48 Wadley, AL 36276 (L.S.)
Signature of Surety Address (Print) City

Signature of Surety Address (Print) City (L.S.)

Signature of Surety Address (Print) City (L.S.)

Signature of Surety Address (Print) City (L.S.)

3-5-05
Date

J. Fuller (A.D.)
Approved by: Sheriff/Judge

Disclosure of your Social Security Number is voluntary, it will be used only for identification purposes in regards to your release on bond.

W. Dillard (A.D.)
By: Deputy Sheriff

Defendant's Information

DOB 8-16-73 Sex M
S.S. No. 420-94-5151 Race B
DL No. 6986862 State (AL) Phone No. W

☐ Appearance Bond-Cash ☒ Appearance Bond-Recognizance ☐ Bail Bond-Cash

State of Alabama
Unified Judicial System**CONSOLIDATED BOND**
(District Court, Grand Jury, Circuit Court)

Case Number

Form C-52 Rev 7/80

ID YR Number

IN THE District COURT OF Randolph COUNTY

STATE OF ALABAMA

vs. Tony Pinkard
448 Co. Rd. 885
Wadley, AL 36276We Tony Pinkard (Defendant) as principal
and Pooler Bonding Co.as sureties
agree to pay the State of Alabama \$1000.00 One Thousand Dollars
unless the above named defendant appears before the District Court of said county on (Date) 3-23-05
at (Time) 900 Am. or at the next session of circuit court of said county; there to await the action by the grand
jury and from session to session thereafter until discharged by law to answer to the charge of Child Supportor any other charge. We hereby and severally certify that we have property over and above all debts and liabilities to the
amount of the above bond. We waive the benefit of all laws exempting property from levy and sale under execution or other
process for the collection of debt, by the Constitution and Laws of the State of Alabama, and we especially waive our rights
to claim exempt our wages or salary, that we have under the laws of Alabama.It is agreed and understood that this is a continuing bond which shall continue in full force and effect until such time as the
undersigned are duly exonerated.Tony Pinkard 448 Co Road 885 Wadley 36276 (L.S.)
Signature of Defendant Address (Print) CityPooler Bonding Co. 19930 Highway 48 East Wadley AL 36276 (L.S.)
Signature of Surety Address (Print) City_____
Signature of Surety Address (Print) City (L.S.)_____
Signature of Surety Address (Print) City (L.S.)_____
Signature of Surety Address (Print) City (L.S.)3-5-05
DateJ. Fuller
Approved by: Sheriff/JudgeDisclosure of your Social Security Number is voluntary, it
will be used only for identification purposes in regards to
your release on bond.W. Dillard
By: Deputy Sheriff**Defendant's Information**DOB 8-16-73 Sex M
S.S. No. 420-94-5151 Race B
DL No. 6986822 State () Phone No. N☐ Appearance Bond-Cash ☒ Appearance Bond-Recognizance ☐ Bail Bond-Cash

BOOKING NUMBER _____

THE RANDOLPH COUNTY JAIL WILL NOT BE HELD RESPONSIBLE FOR ANY PROPERTY LEFT AFTER THIRTY DAYS OF BEING RELEASED OR TRANSFERRED TO ANOTHER FACILITY. WE RESERVE THE RIGHT TO DISPOSE OF ALL SAID PROPERTY LEFT AFTER THIRTY DAYS.

I AUTHORIZE THE RANDOLPH COUNTY SHERIFF'S DEPARTMENT TO INSPECT ANY INCOMING OR OUTGOING MAIL ADDRESSED TO OR FROM ME.

I HAVE RECEIVED OR HAVE BEEN READ A COPY OF THE RANDOLPH COUNTY JAIL RULES AND INFORMATION FOR INMATES.

INMATE SIGNATURE

DATE

Booking Number: 20050242

Items issued to inmate:

Returned

§ Mattress (\$100)

Sheet (\$15)

Mattress Cover (\$10)

Blanket (\$25)

Towel (\$15)

Washcloth (\$5)

Toothbrush

Toothpaste

Soap

Comb

Cup

You will be held responsible for all items you are issued. If the items are not returned or returned defaced in any way, you are liable for the cost.

I received the above listed items.

Inmate Signature: _____ Date: _____

Booking Number: 20050242

Relationship Status: married

Next of Kin: _____

Address: _____

Phone: _____ Relationship: _____

Hand: L

Vision Problems: N

Write English: Y

Read English: Y

Speak English: Y

Education Level: 10th

Hearing Problems: N

Suffix Name: N

Religion: Christian

Gang: N

HEALTH SCREENING FORM

1. HAVE YOU EVER HAD OR BEEN TREATED FOR:

☒ ASTHMA
☒ HEART CONDITION
☐ HYPERTENSION
☐ DIABETES
☐ EPILEPSY OR SEIZURE
☐ DRUG ADDICTION
☐ FAINTING SPELLS

☒ ALCOHOLISM
☐ MENTAL ILLNESS
☐ VENERAL DISEASE
☐ TUBERCULOSIS
☐ ULCER
☐ HEPATITIS
☐ HIGH BLOOD PRESSURE
☒ ANY OTHER
2 Diskin Back

IF ANY RESPONSE IS YES, EXPLAIN AND GIVE DATE OF LAST TREATMENT

☒ 2. HAVE YOU RECENTLY BEEN HOSPITALIZED OR TREATED BY A DOCTOR?

EXPLAIN 2/24/05

☒ 3. DO YOU CURRENTLY TAKE PRESCRIBED MEDICATION?

EXPLAIN inhaler / advair

☒ 4. HAVE YOU EVER ATTEMPTED SUICIDE OR ARE YOU THINKING ABOUT IT NOW? EXPLAIN

☒ 5. DO YOU USE ALCOHOL OR STREET DRUGS?

EXPLAIN

☒ 6. ARE YOU ALLERGIC TO ANYTHING?

EXPLAIN

☒ 7. DO YOU REQUIRE A SPECIAL DIET PRESCRIBED BY A DOCTOR?

EXPLAIN

☒ 8. ARE THERE ANY CERTAIN FOOD YOU CANNOT EAT?

EXPLAIN sea food

☒ 9. HAVE YOU EVER BEEN DETERMINED TO BE HIV POSITIVE?

WHEN?

☒ 10. DO YOU HAVE PROBLEMS WITH YOUR TEETH?

EXPLAIN

☒ 11. ARE THERE ANY OTHER MEDICAL PROBLEMS WE SHOULD KNOW ABOUT? EXPLAIN

☒ 12. DO YOU HAVE PERSONEL DOCTOR? WHO? Dr. Yoni

Rogate AL

CHECK ONE

☒ THIS INMATE WAS COOPERATIVE IN RESPONDING TO THE ABOVE QUESTIONS AND ALLOWING ME TO OBSERVE HIM.

☐ THIS INMATE REFUSED OR WAS UNABLE TO COOPERATE AND REFUSED TO ANSWER MY QUESTIONS CONCERNING HIS MEDICAL HISTORY AND/OR POTENTIAL FOR SUICIDE. REASON FOR INABILITY:

Booking Number: 2005 0242

Visual Assessment

Yes/No

- ✓ 1) Is inmate unconscious?
- ✓ 2) Does the inmate have any visible signs of trauma, illness, obvious pain or bleeding requiring immediate Doctor's care?
- ✓ 3) Is there any obvious fever, swollen lymph nodes, Jaundice or other signs of infection that may spread throughout the facility?
- ✓ 4) Any signs of poor skin conditions, rashes, vermin or needle marks?
- ✓ 5) Does inmate appear to be under the influence of drugs or alcohol?
- ✓ 6) Any visible signs of alcohol or drug withdrawal?
- ✓ 7) Does inmate appear to be a risk of suicide or assault?
- ✓ 8) Is inmate carrying medication?
- ✓ 9) Does inmate have any physical deformities?
- ✓ 10) Does inmate appear to have psychiatric problems?

For Females Only

- 11) Are you pregnant?
- 12) Have you recently delivered?
- 13) Do you take birth control?

Booking Number: 20050²⁴²

Charge: FTA / D.V. Harrassment^{3rd}

Book Date: 3-26-05 Time: 1730 Type: Full

Arrest Date: 3-26-05 Time: _____ Transfer In: X

Arresting Agency: RUO Arresting Officer: W-Ford

Booking Officer: JS Searched By: JS

Type Search: Cloth _____ Metal _____ Pat / Strip _____ Cavity _____

Photo Available: / Print Taken: _____ Phone Call Made: _____

Property In Property Room

Bag # 74
1 wallet - 1 nipple ring
1 set keys
chopstick
1 inhaler
1 cellphone
1 hat
1 belt
1 pair shoes

Property In Safe

Money \$ _____

1 wallet

Signature of Inmate: _____

Signature of Inmate Upon Release: Tommy P. ...

RANDOLPH COUNTY JAIL BOOKING SHEET

DATE 3-26-05BOOKING NUMBER 70090242NAME Pinkard Tony Lamar

PHONE _____

EYE bioHAIR BlkADDRESS 448 CORB 885CITY wadleySTATE ALZIP 36276DOB 8-16-73SEX MRACE BHT 6'2WT 150SOC 420-94-5151

DL _____

PLACE OF BIRTH RoanokeSTATE ALEMPLOYER Disabled

POSITION _____

ADDRESS _____

PHONE _____

REMARKS _____

R.P.D.RELEASE DATE 1-5-06BY J9,12SCARS/TATTOOS Fore head

Randolph County Jail Inmate Visitors

Inmate Name _____

Social Security Number _____

Visitor Name _____

DATE OF BIRTH _____

Visitor Name _____

DATE OF BIRTH _____

Visitor Name _____

DATE OF BIRTH _____

Visitor Name _____

DATE OF BIRTH _____

Visitor Name _____

DATE OF BIRTH _____

PLEASE LIST ALL LEGAL CHILDREN AND THEIR AGES

1. _____

2. _____

3. _____

4. _____

5. _____

You will need to fill out 5 names of people who you want to visit with you. These people must be at least 19 yrs of age. Any child under the age of 19 must be the legal child of the inmate. If they have been booked in the Randolph County Jail he/she must have been released for at least 3 years. Also, any visitor may be denied the right to visit at anytime at the discretion of the shift supervisor.

If you refuse to fill out this sheet you will be denied any visits from the public. You will however, still get your visits from your attorney or the clergy.

ALABAMA UNIFORM ARREST REPORT

Fingerprinted	R84 Completed
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> No

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

IDENTIFICATION	1 ORI #	2 AGENCY NAME		3 CASE #		4 SFX	
	0560000		Randolph Co SO		050326174		
	5 LAST, FIRST, MIDDLE NAME						
	PINKARD Tony						
ARREST	7 SEX	8 RACE	9 HGT.	10 WGT.	11 EYE	12 HAIR	13 SKIN
	M	W	6'02	185	BRN	BLK	
	F	B					
	14 SCARS						
	15 MARKS						
	16 TATOOS						
	17 AMPUTATIONS						
	18 PLACE OF BIRTH (CITY, COUNTY, STATE)						
	19 SSN						
	17 DATE OF BIRTH						
19 AGE							
19 MISCELLANEOUS ID #							
VEHICLE	20 SID #	21 FINGERPRINT CLASS		22 DL #		23 ST	
		KEY MAJOR PRIMARY BCDV SUB-SECONDARY FINAL					
	24 FBI #	HENRY CLASS		25 IDENTIFICATION COMMENTS			
		NCIC CLASS					
	26 RESIDENT	27 HOME ADDRESS (STREET, CITY, STATE, ZIP)		28 RESIDENCE PHONE		29 OCCUPATION (BE SPECIFIC)	
	<input checked="" type="checkbox"/> NON-RESIDENT	None		()			
	30 EMPLOYER (NAME OF COMPANY/SCHOOL)		31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)		32 BUSINESS PHONE		
	None				()		
	33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP)		34 SECTOR #		35 ARRESTED FOR YOUR JURISDICTION?		
	Rail Road Tract Hwy 77 ALABAMA				<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
JUVENILE	36 CONDITION OF	37 RESIST ARREST?		38 INJURIES?		39 ARMED?	
	<input type="checkbox"/> DRUNK <input checked="" type="checkbox"/> SOBER	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<input type="checkbox"/> NONE <input checked="" type="checkbox"/> OFFICER <input type="checkbox"/> ARRESTEE		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
	36 ARRESTEE: <input type="checkbox"/> DRINKING <input type="checkbox"/> DRUGS					40 DESCRIPTION OF WEAPON	
					<input type="checkbox"/> HANDGUN <input type="checkbox"/> OTHER FIREARM		
					<input type="checkbox"/> RIFLE <input type="checkbox"/> OTHER WEAPON		
					<input type="checkbox"/> SHOTGUN		
	41 DATE OF ARREST	42 TIME OF ARREST	43 DAY OF ARREST	44 TYPE ARREST	45 ARRESTED BEFORE?		
	03/26/05	446	1 AM 2 PM 3 MIL	<input checked="" type="checkbox"/> ON VIEW <input type="checkbox"/> CALL <input type="checkbox"/> WARRANT	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN		
	46 CHARGE-1	47 UCR CODE	48 CHARGE-2	49 UCR CODE			
	F.T.A. D.V. HARASSMENT 3 RD						
50 STATE CODE/LOCAL ORDINANCE	51 WARRANT #	52 DATE ISSUED	53 STATE CODE/LOCAL ORDINANCE	54 WARRANT #	55 DATE ISSUED		
	2005000163.00	M D Y			M D Y		
56 CHARGE-3	57 UCR CODE	58 CHARGE-4	59 UCR CODE				
60 STATE CODE/LOCAL ORDINANCE	61 WARRANT #	62 DATE ISSUED	63 STATE CODE/LOCAL ORDINANCE	64 WARRANT #	65 DATE ISSUED		
		M D Y			M D Y		
66 ARREST DISPOSITION	67 IF OUT ON RELEASE	68 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)					
<input checked="" type="checkbox"/> HELD <input type="checkbox"/> TOT-LE <input type="checkbox"/> BAIL <input type="checkbox"/> OTHER <input type="checkbox"/> RELEASED	WHAT TYPE?	69 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)					
70 VYR	71 VMA	72 VMO	73 VST	74 VCO TOP	75 TAG #	76 LIS	77 LIY
				Red	56B3715	2005	AL.
78 VIN	79 IMPOUNDED?			80 STORAGE LOCATION/IMPOUND #			
KWJTB1061K9J61197274	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			Kirb's Rock Mill CORL 75			
81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED							
<input type="checkbox"/> CONTINUED IN NARRATIVE							
RELEASE	82 JUVENILE <input type="checkbox"/> HANDLED AND RELEASED <input type="checkbox"/> REF. TO WELFARE AGENCY <input type="checkbox"/> REF. TO ADULT COURT						
	DISPOSITION: <input type="checkbox"/> REF. TO JUVENILE COURT <input type="checkbox"/> REF. TO OTHER POLICE AGENCY						
	84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)			85 ADDRESS (STREET, CITY, STATE, ZIP)		86 PHONE	
						()	
87 PARENTS EMPLOYER		88 OCCUPATION		89 ADDRESS (STREET, CITY, STATE, ZIP)		90 PHONE	
						()	
91 DATE AND TIME OF RELEASE		92 RELEASING OFFICER NAME		93 AGENCY/DIVISION		94 ID #	
M D Y : 1 AM 2 PM 3 MIL							
95 RELEASED TO:		96 AGENCY/DIVISION		97 AGENCY ADDRESS			
98 PERSONAL PROPERTY RELEASED TO ARRESTEE		99 PROPERTY NOT RELEASED/HELD AT:		100 PROPERTY #			
<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> PARTIAL							
101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)							
102 SIGNATURE OF RECEIVING OFFICER							
103 SIGNATURE OF RELEASING OFFICER							
104 CASE #							
105 SFX							
106 CASE #							
107 SFX							
108 CASE #							
109 SFX							
110 ADDITIONAL CASES CLOSED NARRATIVE <input type="checkbox"/> Y <input type="checkbox"/> N							
111 ARRESTING OFFICER (LAST, FIRST, MI)		112 ID #		113 ARRESTING OFFICER (LAST, FIRST, MI)		114 ID #	
Ford WILLARD		565				115 SUPERVISOR	
						116 WATCH CMDR	
						ID #	

TYPE OR PRINT IN BLACK INK ONLY

ALABAMA REV 10-01

Case No. TR93-261 & 263
TR01-1191

Defendant - TONY L. PINKARD

OFFICERS RETURN:

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED TO EXECUTE THIS ORDER AND MAKE RETURN
TO THE COURT.

RECEIVED IN THIS OFFICE ON _____, _____.

EXECUTED ON _____, _____, BY

SHERIFF

LAWFUL OFFICER

IN THE DISTRICT COURT OF RANDOLPH COUNTY, ALABAMA

STATE OF ALABAMA,

PLAINTIFF,

VS.

CASE NO. TR93-263
TR93-261
TR01-1191

TONY L. PINKARD,

DEFENDANT.

Filed in Office

MAR 28 2005

CONTEMPT SHOW CAUSE

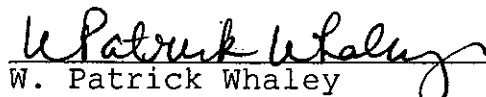
KIM S. BENEFIELD
Clerk of Circuit Court

You are hereby ORDERED to appear before the Court on the 5th day of April, 2005, at 9:00 a.m. at the Randolph County Courthouse, Wedowee, Alabama to SHOW CAUSE why you should not be held in CONTEMPT due to the following:

- (X) 1. Failure to pay fines and cost. Balance~ \$5283.18
- (X) 2. Failure to report for review.
- (X) 3. Failure to successfully complete Community Service.
- (X) 4. Failure to attend and successfully complete the Court Referral Program.

The Defendant's failure to appear shall result in the issuance of an arrest warrant.

Done this 28th day of March, 2005.


W. Patrick Whaley
Judge

DOB: 08-16-1973
SS#: 420-94-5151

DL#: _____
ADDRESS: * In Co Jail *

RANDOLPH COUNTY JAIL INMATE REQUEST FORM

Tony Lamar Pinkard Sr.
INMATE NAME

D-Block
BLOCK

August 23, 2008
DATE

STATE YOUR REQUEST: I Am Requesting to See the
Shiriff About my foot or the Jdg my
Big toe is getting infected I need to see
A Doctor this is the fourth Request the
sent it will appreciate it Thank You God Bless

IF MORE SPACE IS NEEDED WRITE ON BACK

DO NOT WRITE BELOW THIS SPACE FOR REPLY BY STAFF ONLY

you need to fill out a medical request
form.
[Signature]

APPROVED:

YES

NO

[Signature]
OFFICER SIGNATURE

08-24-05
DATE

REVIEWED BY ADMINISTRATION:

APPROVED _____

NOT APPROVED _____

REASON FOR CHANGE IF APPLICABLE: _____

CHIEF OR CAPTAIN'S SIGNATURE

DATE

RANDOLPH COUNTY JAIL INMATE REQUEST FORM

Tony Lamar Pinkard
INMATE NAME

D-Block
BLOCK

August 31, 2008
DATE

STATE YOUR REQUEST:

I Am Requesting to talk to Craig
About Letting us Get the TV. After we eat in
the morning because It is Gospel Comes on in
the morning time And we miss half of Please I would
really Appreciate it very much. Thank you God Bless

IF MORE SPACE IS NEEDED WRITE ON BACK

DO NOT WRITE BELOW THIS SPACE FOR REPLY BY STAFF ONLY

Let T.V. be put in the block at shift
change

APPROVED:

YES

NO /

[Signature]
OFFICER SIGNATURE

08/31/08
DATE

REVIEWED BY ADMINISTRATION:

APPROVED _____

NOT APPROVED _____

REASON FOR CHANGE IF APPLICABLE: _____

CHIEF OR CAPTAIN'S SIGNATURE

DATE

DDX.18:04 10/09/2005 089767
AM.AL0560100.AL0560000,AL0560100.

TO RCSO FROM RPD

PLACE HOLD ON TONY PINKARD W/M
DOB 8-16-73 SOC#420-94-5151 OUR DEPT HOLD NWNH ON SUB THANKS

AUTH/RWATKINS AUTH/SCOFIELD

SEQ # 0066 MRI # 089767

RANDOLPH COUNTY JAIL INMATE REQUEST FORM

Tommy Lama Pineda Jr. D-Block October 10, 2005
INMATE NAME BLOCK DATE

STATE YOUR REQUEST: I Am Requesting to have A visit
With My Attorney Braxton Blake Lowe when
He comes.

Thank You God Bless you all

IF MORE SPACE IS NEEDED WRITE ON BACK

DO NOT WRITE BELOW THIS SPACE FOR REPLY BY STAFF ONLY

APPROVED: YES _____ NO _____

C. A. Wilkey
OFFICER SIGNATURE

DATE

REVIEWED BY ADMINISTRATION:

APPROVED _____

NOT APPROVED _____

REASON FOR CHANGE IF APPLICABLE:

If Mr. Lowe wants to
see you then he will tell us.

[Signature]
CHIEF OF CAPTAIN'S SIGNATURE

10/11/05
DATE

RANDOLPH COUNTY JAIL INMATE REQUEST FORM

Tony Lerner Pinkard Sr.
INMATE NAME

Cell Block - D October 17 2005
BLOCK DATE

STATE YOUR REQUEST: I Inmate Tony Pinkard is requesting for A Habeas Corpus,
from this Jail Administrator and under the circumstances
I am required A habeas corpus form. Do I get to Address
this to the Jail Administrator or the District Court. Under
the Federal Rules This Jail Administrator is required to Supply this paper work
IF MORE SPACE IS NEEDED WRITE ON BACK

DO NOT WRITE BELOW THIS SPACE FOR REPLY BY STAFF ONLY

APPROVED: YES _____ NO _____

Craig H
OFFICER SIGNATURE

10-12-05
DATE

REVIEWED BY ADMINISTRATION:

APPROVED _____

NOT APPROVED _____

REASON FOR CHANGE IF APPLICABLE: _____

CHIEF OR CAPTAIN'S SIGNATURE

DATE

RANDOLPH COUNTY JAIL INMATE REQUEST FORM

Jonny Lamar Pinbarol Sr. D-Block October 17, 2008
INMATE NAME BLOCK DATE

STATE YOUR REQUEST: I havent had any money on my account
within Ninety days. I would like to request for A
Indegent package, Not a Start up Kit. I don't
Make Store to get the stuff I need for my
hygienes and Legal purposes this Jail should have Indegent
Packages I would Appreciate It very much Thank you.
IF MORE SPACE IS NEEDED WRITE ON BACK

DO NOT WRITE BELOW THIS SPACE FOR REPLY BY STAFF ONLY

APPROVED: YES _____ NO _____

OFFICER SIGNATURE _____

DATE _____

REVIEWED BY ADMINISTRATION:

APPROVED _____

NOT APPROVED _____

REASON FOR CHANGE IF APPLICABLE: _____

CHIEF OR CAPTAIN'S SIGNATURE _____

DATE _____

RANDOLPH COUNTY JAIL INMATE REQUEST FORM

Jones Lamar Pinbow Sr. Cell Block C November 29, 2005
INMATE NAME BLOCK DATE

STATE YOUR REQUEST:

I AM Requesting For A copy of the Report
that was written on November 29, 2005. I need it for my
Lawyer. If Charges is being put on me. My Lawyer need
to know what the Charges is and why there being
but Brought against me. Thank you Goddess you a

IF MORE SPACE IS NEEDED WRITE ON BACK

DO NOT WRITE BELOW THIS SPACE FOR REPLY BY STAFF ONLY

APPROVED:

YES

NO

Craig Han
OFFICER SIGNATURE

11-30-05
DATE

REVIEWED BY ADMINISTRATION:

APPROVED _____

NOT APPROVED _____

REASON FOR CHANGE IF APPLICABLE:

if charges are brought
against you then your attorney may
file for copies of the reports.

CHIEF OR CAPTAIN'S SIGNATURE

DATE

11/30/05

Tony Pinkard

ALABAMA COUNTY JAIL INCIDENT REPORT

I report the following incident which occurred at 2200 o'clock PM m. at the following location D-block

Below give a full description of the incident. Be certain to include names of all persons involved, either as participants or witnesses. If a participant or witness is not a jail employee, please give full address.

I (J, 17) Matthew Fendley was advised by Capt. Craig Davidson to assist in a shakedown in D-block to look for shanks. Sharon Gaddumite and Craig Hann two other officers assisted in the shakedown. Under the sink in Tony Pinkard, Gerald Coffey, and Jose Delacruz's room Officer Craig Hann found 3 shanks.

Forward to Jail Administration when complete. Use additional sheets, if necessary.

Reporting Officer: Matthew Fendley

Date of Report: 11-29-05 Time: 22:00

Report given to: Craig Davidson

Report received by: [Signature]
(Signature of receiving officer)

Date received: 11/29/05 11/30/05 Time received: 0800

Tony Pinkard

ALABAMA COUNTY JAIL
INCIDENT REPORT

I report the following incident which occurred at 5:00 o'clock A m. at the following location C-Block

Below give a full description of the incident. Be certain to include names of all persons involved, either as participants or witnesses. If a participant or witness is not a jail employee, please give full address.

Tony Pinkard refused to get dressed for meal call. J17 Matt Fenley informed him that if he did not get dressed it would be a refusal for his food. Tony Pinkard said Fuck that and walked off. Matt Fenley then again informed him that that would be a refusal. Tony Pinkard did not respond.

Forward to Jail Administration when complete. Use additional sheets, if necessary.

Reporting Officer: Matthew Fenley

Date of Report: 11-30-05 Time: 5:30

Report given to: Craig Davidson

Report received by: [Signature]
(Signature of receiving officer)

Date received: 11/30/05 Time received: 0800

ALABAMA COUNTY JAIL INMATE REQUEST FORM

NOTE: Please print all information.

Name: Tony Lamar Pinward Sr. Cell: Cell Block C

Date: November 30, 2005 Time: 12:30 PM

Please check one of the following:

☐ Medical ☐ Grievance ☐ Request for Special Visit
☒ Other Why I was Moved

BRIEFLY STATE YOUR REQUEST THEN GIVE TO JAIL OFFICER

I want to know if I'm not being charged why was I moved
out of my block. I have not caused any problems in that block
not one inmate could tell you I was a problem. I really would
like to know why I really would appreciate it. Its fifteen other inmates got right
to go in that room only one could put that stuff under that toilet
DO NOT WRITE BELOW THIS LINE--FOR REPLY ONLY

You were moved because I received a report
that you were causing problems

All Inmate Request Forms will be routed through the shift supervisor to the Jail Administrator for disposition.

Copies to: ☐ Inmate
☐ Inmate File
☐ Disciplinary Hearing Board
☐ Other _____

Signature of Jail Officer receiving original request:

Date: _____ Time: _____

RANDOLPH COUNTY JAIL INMATE REQUEST FORM

TOBY LAMAR PINCHARD SR.
INMATE NAME

C-BLOCK
BLOCK

December 12, 2005
DATE

STATE YOUR REQUEST: I Am Requesting for the Address to
Montgomery American Civil Liberty Union for Legal purposes.

IF MORE SPACE IS NEEDED WRITE ON BACK

DO NOT WRITE BELOW THIS SPACE FOR REPLY BY STAFF ONLY

We do not have this information

APPROVED:

YES

NO

OFFICER SIGNATURE

REVIEWED BY ADMINISTRATION:

DATE

APPROVED

NOT APPROVED

REASON FOR CHANGE IF APPLICABLE:

CHIEF OR CAPTAIN'S SIGNATURE

DATE

Randolph County Jail Inmate Visitors

Inmate Name _____

Social Security Number _____

Visitor Name _____

DATE OF BIRTH _____

Visitor Name _____

DATE OF BIRTH _____

Visitor Name _____

DATE OF BIRTH _____

Visitor Name _____

DATE OF BIRTH _____

Visitor Name _____

DATE OF BIRTH _____

PLEASE LIST ALL LEGAL CHILDREN AND THEIR AGES

1. _____

2. _____

3. _____

4. _____

5. _____

You will need to fill out 5 names of people who you want to visit with you. These people must be at least 19 yrs of age. Any child under the age of 19 must be the legal child of the inmate. If they have been booked in the Randolph County Jail he/she must have been released for at least 3 years. Also, any visitor may be denied the right to visit at anytime at the discretion of the shift supervisor.

If you refuse to fill out this sheet you will be denied any visits from the public. You will however, still get your visits from your attorney or the clergy.

BOOKING NUMBER 20060030

THE RANDOLPH COUNTY JAIL WILL NOT BE HELD RESPONSIBLE FOR ANY PROPERTY LEFT AFTER THIRTY DAYS OF BEING RELEASED OR TRANSFERRED TO ANOTHER FACILITY. WE RESERVE THE RIGHT TO DISPOSE OF ALL SAID PROPERTY LEFT AFTER THIRTY DAYS.

I AUTHORIZE THE RANDOLPH COUNTY SHERIFF'S DEPARTMENT TO INSPECT ANY INCOMING OR OUTGOING MAIL ADDRESSED TO OR FROM ME.

I HAVE RECEIVED OR HAVE BEEN READ A COPY OF THE RANDOLPH COUNTY JAIL RULES AND INFORMATION FOR INMATES.

Tony Lamar Pinckard Sr.
INMATE SIGNATURE

1-13-06
DATE

Booking Number: 20060030

Items issued to inmate:

Returned

<u>1</u>	Mattress (\$100)	<u> </u>
<u> </u>	Sheet (\$15)	<u> </u>
<u>1</u>	Mattress Cover (\$10)	<u> </u>
<u>1</u>	Blanket (\$25)	<u> </u>
<u> </u>	Towel (\$15)	<u> </u>
<u> </u>	Washcloth (\$5)	<u> </u>
<u> </u>	Toothbrush	<u> </u>
<u> </u>	Toothpaste	<u> </u>
<u> </u>	Soap	<u> </u>
<u> </u>	Comb	<u> </u>
<u> </u>	Cup	<u> </u>

You will be held responsible for all items you are issued. If the items are not returned or returned defaced in any way, you are liable for the cost.

I received the above listed items.

Inmate Signature: X Tony Lamar Pinkard Sr. Date: 1-13-06

Booking Number: 20060030

Relationship Status: Married

Next of Kin: Minnie Prothro

Address: _____

Phone: 357-2029 Relationship: Grandmother

Hand: L

Vision Problems: N

Write English: Y

Read English: Y

Speak English: Y

Education Level: 11th

Hearing Problems: Right

Suffix Name: N

Religion: Christian

Gang: N

HEALTH SCREENING FORM

1. HAVE YOU EVER HAD OR BEEN TREATED FOR:

Y ASTHMAN HEART CONDITIONN HYPERTENSIONN DIABETESN EPILEPSY OR SEIZUREN DRUG ADDICTIONN FAINTING SPELLSN ALCOHOLISMN MENTAL ILLNESSN VENERAL DISEASEN TUBERCULOSISN ULCERN HEPATITISN HIGH BLOOD PRESSURE ANY OTHER

IF ANY RESPONSE IS YES, EXPLAIN AND GIVE DATE OF LAST TREATMENT

Asthma inhalerN 2. HAVE YOU RECENTLY BEEN HOSPITALIZED OR TREATED BY A DOCTOR?

EXPLAIN

Y 3. DO YOU CURRENTLY TAKE PRESCRIBED MEDICATION?EXPLAIN Acetaminophen, Albuterol inhaler, Amitriptyline, Gabapentin, HydroxyzineN 4. HAVE YOU EVER ATTEMPTED SUICIDE OR ARE YOU THINKING ABOUT IT NOW? EXPLAINN 5. DO YOU USE ALCOHOL OR STREET DRUGS?

EXPLAIN

N 6. ARE YOU ALLERGIC TO ANYTHING?

EXPLAIN

N 7. DO YOU REQUIRE A SPECIAL DIET PRESCRIBED BY A DOCTOR?

EXPLAIN

Y 8. ARE THERE ANY CERTAIN FOOD YOU CANNOT EAT?EXPLAIN SeafoodN 9. HAVE YOU EVER BEEN DETERMINED TO BE HIV POSITIVE? WHEN?Y 10. DO YOU HAVE PROBLEMS WITH YOUR TEETH?EXPLAIN Back, right sideY 11. ARE THERE ANY OTHER MEDICAL PROBLEMS WE SHOULD KNOW ABOUT? EXPLAIN Back, Dislocated disc in backN 12. DO YOU HAVE PERSONEL DOCTOR? WHO?

CHECK ONE

✓ THIS INMATE WAS COOPERATIVE IN RESPONDING TO THE ABOVE QUESTIONS AND ALLOWING ME TO OBSERVE HIM. THIS INMATE REFUSED OR WAS UNABLE TO COOPERATE AND REFUSED TO ANSWER MY QUESTIONS CONCERNING HIS MEDICAL HISTORY AND/OR POTENTIAL FOR SUICIDE. REASON FOR INABILITY:

Booking Number: 20060030

Visual Assessment

Yes/No

- N 1) Is inmate unconscious?
- N 2) Does the inmate have any visible signs of trauma, illness, obvious pain or bleeding requiring immediate Doctor's care?
- N 3) Is there any obvious fever, swollen lymph nodes, Jaundice or other signs of infection that may spread throughout the facility?
- N 4) Any signs of poor skin conditions, rashes, vermin or needle marks?
- N 5) Does inmate appear to be under the influence of drugs or alcohol?
- N 6) Any visible signs of alcohol or drug withdrawal?
- N 7) Does inmate appear to be a risk of suicide or assault?
- N 8) Is inmate carrying medication?
- N 9) Does inmate have any physical deformities?
- N 10) Does inmate appear to have psychiatric problems?

For Females Only

- ~~X~~ 11) Are you pregnant?
- ~~X~~ 12) Have you recently delivered?
- ~~X~~ 13) Do you take birth control?

Booking Number: 20060030

Charge: FTA (Child Support)

Book Date: 1/13/06 Time: 1244 Type: Full

Arrest Date: 1/13/06 Time: 1200 Transfer In: Y

Arresting Agency: RLSO Arresting Officer: C. Davidson

Booking Officer: J. Traylor / V. Haynes Searched By: J. Traylor

Type Search: Cloth Metal Pat ✓ Strip Cavity

Photo Available: ✓ Print Taken: ✓ Phone Call Made: ✓

Property In Property Room

Bag # 24

Wht pair of jeans

cell phone

Brn in color belt with ~~lock~~ ^{vt}

set of keys belt buckle

gray in color wallet

Signature of Inmate: X Tony Lamar Pinkard Sr.

Signature of Inmate Upon Release: X Tony Pinkard Sr.

Property In Safe

Money \$

RANDOLPH COUNTY JAIL BOOKING SHEET

DATE 1/13/06 BOOKING NUMBER 20060030

NAME Tony Lamar Pinkard

PHONE _____ EYE Bro HAIR Blk

ADDRESS 448 Co. Rd. 885

CITY Wadley STATE Al ZIP 36276

DOB 8-16-73 SEX M RACE Blk HT 6'2

WT 210 SOC 420-44-5151 DL _____

PLACE OF BIRTH Roanoke STATE Al

EMPLOYER _____ POSITION _____

ADDRESS _____ PHONE _____

REMARKS _____

RELEASE DATE 1/13/06 BY J. Whaley

SCARS/TATTOOS _____

ALA. JUDICIAL DATA CENTER
DISTRICT COURT OF RANDOLPH COUNTY

ALIAS WARRANT

TR 2001 001191.00
JID: W. PATRICK WHALEY

THE STATE OF ALABAMA

VS PINKARD TONY LAMAR

TO ANY LAW ENFORCEMENT OFFICER:

YOU ARE HEREBY COMMANDED TO ARREST: PINKARD TONY LAMAR
AND BRING HIM/HER BEFORE THIS COURT TO ANSWER THE STATE FOR THE CHARGE OF
FAILURE TO APPEAR ON THE CHARGE OF: DUI
ISSUED ON 11/02/2001.

WITNESS MY HAND THIS FEBRUARY 17, 2006.

BOND SET AT:

Kim S. Bendfield
JUDGE/CLERK/MAGISTRATE

DEFENDANT'S ADDRESS:

448 HIGHLAND AVE

WADLEY

SSN: 420-94-5151

, AL 36276 0000

DEFENDANT'S DESCRIPTION:

HT: 603

WT: 200

HAIR: BLK

EYE: BRO

BIRTH DATE: 08/16/1973

RACE: B

SEX: M

DL: VA 420945151

EMPLOYER:

TICKET NUMBER: M 4555634

PHONE NO: (256) 357-9004

AGENCY/OFFICER: AST1100/DEAN

() IF THIS BLOCK IS CHECKED, THE DEFENDANT MAY BE RELEASED UPON PAYMENT TO
THE COURT THE FINE AND COST OF \$10,705.18.

NOTE:

OFFICERS RETURN:
RECEIVED ON

EXECUTED ON

BY:

- () DEFENDANT ARRESTED, RELEASED ON BOND
() DEFENDANT ARRESTED, IN JAIL
() DEFENDANT ARRESTED, NOT BOOKED
() NOT FOUND
() OTHER

SHERIFF

OFFICER

Received at County Jail
Time 1800 Date 2-20-06

Received in this office
Time Date 2-17

ERATOR: CYW
EPARED: 02/17/2006

ALA. MA JUDICIAL DATA CENTER
DISTRICT COURT OF RANDOLPH COUNTY

ALIAS WARRANT

JID: W. PATRICK WHALEY

DC 2005 000569.00

THE STATE OF ALABAMA

VS PINKARD TONY LAMAR

ANY LAW ENFORCEMENT OFFICER:

YOU ARE HEREBY COMMANDED TO ARREST: PINKARD TONY LAMAR
AND BRING HIM/HER BEFORE THIS COURT TO ANSWER THE STATE FOR THE CHARGE OF
FAILURE TO APPEAR ON THE CHARGE OF: NEGOTIATING WORTHLESS IN - MISDEMEANOR

WITNESS MY HAND THIS FEBRUARY 16, 2006.

BOND SET AT: NO BOND

Kim A. Benefield
JUDGE/CLERK/MAGISTRATE

DEFENDANT'S ADDRESS:

44 CO RD 885 LOT #1

WADLEY, AL 36276 0000

DEFENDANT'S DESCRIPTION:

HT: 000 WT: 000

HAIR: EYE:

BIRTH DATE: 00/00/0000

RACE: B SEX: M

SID#: 000000000

SSN#: 420945151

ALIAS:

EMPLOYER: _____

PHONE NO: _____

TICKET NUMBER: _____

AGENCY/OFFICER: 0560000/

NOTE:

THIS APPEARS TO BE A VALID ADDRESS

OFFICERS RETURN:

RECEIVED ON _____

EXECUTED ON _____

BY: _____

- () DEFENDANT ARRESTED, RELEASED ON BOND
() DEFENDANT ARRESTED BY LAW ENFORCEMENT, IN JAIL
() DEFENDANT ARRESTED, NOT BOOKED
() NOT FOUND
() OTHER _____

() DEFENDANT ARRESTED BY SURETY

SHERIFF

OFFICER

Received at County Jail

Time _____

Date 2/21/06

Received in this office

Time _____

Date 2/17/05

PERATOR: MAL

REPAIRED: 02/16/2006

ALABAMA JUDICIAL DATA CENTER
DISTRICT COURT OF RANDOLPH COUNTY

ALIAS WARRANT

JID: W. PATRICK WHALEY

DC 2005 000163.00

THE STATE OF ALABAMA


VS PINKARD TONY LAMAR

TO ANY LAW ENFORCEMENT OFFICER:

YOU ARE HEREBY COMMANDED TO ARREST: PINKARD TONY LAMAR
 AND BRING HIM/HER BEFORE THIS COURT TO ANSWER THE STATE FOR THE CHARGE OF
 FAILURE TO APPEAR ON THE CHARGE OF: DOM VIO 3RD-HARASSMENT - MISDEMEANOR

WITNESS MY HAND THIS FEBRUARY 16, 2006.

BOND SET AT: NO BOND


 JUDGE/CLERK/MAGISTRATE

DEFENDANT'S ADDRESS:

44 CO RD 885

WADLEY

, AL 36276 0000

DEFENDANT'S DESCRIPTION:

HT: 602 WT: 185
 HAIR: BLK EYE: BRO
 BIRTH DATE: 08/16/1973
 RACE: B SEX: M
 SID#: 000000000
 SSN#: 420945151

ALIAS:

EMPLOYER:

PHONE NO:

TICKET NUMBER:

AGENCY/OFFICER: 0560000/

NOTE:

THIS APPEARS TO BE A VALID ADDRESS

OFFICERS RETURN:

RECEIVED ON _____

EXECUTED ON _____

BY: _____

- () DEFENDANT ARRESTED, RELEASED ON BOND
 () DEFENDANT ARRESTED BY LAW ENFORCEMENT, IN JAIL
 () DEFENDANT ARRESTED, NOT BOOKED
 () NOT FOUND
 () OTHER _____

() DEFENDANT ARRESTED BY SURETY
 SHERIFF _____

OFFICER _____

Received at County Jail

Time 134 Date 2/21/06

Received in this office

Time _____ Date 2/17/06

OPERATOR: MAL
 PREPARED: 02/16/2006

Randolph County Jail Inmate Visitors

Inmate Name _____

Social Security Number _____

Visitor Name _____

DATE OF BIRTH _____

Visitor Name _____

DATE OF BIRTH _____

Visitor Name _____

DATE OF BIRTH _____

Visitor Name _____

DATE OF BIRTH _____

Visitor Name _____

DATE OF BIRTH _____

PLEASE LIST ALL LEGAL CHILDREN AND THEIR AGES

1. _____

2. _____

3. _____

4. _____

5. _____

You will need to fill out 5 names of people who you want to visit with you. These people must be at least 19 yrs of age. Any child under the age of 19 must be the legal child of the inmate. If they have been booked in the Randolph County Jail he/she must have been released for at least 3 years. Also, any visitor may be denied the right to visit at anytime at the discretion of the shift supervisor.

If you refuse to fill out this sheet you will be denied any visits from the public. You will however, still get your visits from your attorney or the clergy.

BOOKING NUMBER 70260144

THE RANDOLPH COUNTY JAIL WILL NOT BE HELD RESPONSIBLE FOR ANY PROPERTY LEFT AFTER THIRTY DAYS OF BEING RELEASED OR TRANSFERRED TO ANOTHER FACILITY. WE RESERVE THE RIGHT TO DISPOSE OF ALL SAID PROPERTY LEFT AFTER THIRTY DAYS.

I AUTHORIZE THE RANDOLPH COUNTY SHERIFF'S DEPARTMENT TO INSPECT ANY INCOMING OR OUTGOING MAIL ADDRESSED TO OR FROM ME.

I HAVE RECEIVED OR HAVE BEEN READ A COPY OF THE RANDOLPH COUNTY JAIL RULES AND INFORMATION FOR INMATES.

Jerry Lamar Birchard Sr.
INMATE SIGNATURE

2-24-06
DATE

Booking Number: 70060144

Items issued to inmate:

Returned

☒ Mattress (\$100)
☐ Sheet (\$15)
☐ Mattress Cover (\$10)
☒ Blanket (\$25)
☐ Towel (\$15)
☐ Washcloth (\$5)
☐ Toothbrush
☐ Toothpaste
☐ Soap
☐ Comb
☐ Cup

You will be held responsible for all items you are issued. If the items are not returned or returned defaced in any way, you are liable for the cost.

I received the above listed items.

Inmate Signature: Jonny Linares Pinbun Se Date: 2-24-06

ooking Number: 20060144

elationship Status: married

ext of Kin: Bobby Linker

address: _____

hone: _____ Relationship: wife

Hand: right

Vision Problems: no

Write English: yes

Read English: yes

peak English: yes

Education Level: 10+4

Hearing Problems: no

Suffix Name: no

Religion: _____

Gang: no

HEALTH SCREENING FORM

1. HAVE YOU EVER HAD OR BEEN TREATED FOR:

<u>no</u> ASTHMA	<u>no</u> ALCOHOLISM
<u>no</u> HEART CONDITION	<u>no</u> MENTAL ILLNESS
<u>no</u> HYPERTENSION	<u>no</u> VENERAL DISEASE
<u>no</u> DIABETES	<u>no</u> TUBERCULOSIS
<u>no</u> EPILEPSY OR SEIZURE	<u>no</u> ULCER
<u>no</u> DRUG ADDICTION	<u>no</u> HEPATITIS
<u>no</u> FAINTING SPELLS	<u>no</u> HIGH BLOOD PRESSURE
	<u>no</u> ANY OTHER

IF ANY RESPONSE IS YES, EXPLAIN AND GIVE DATE OF LAST TREATMENT

no 2. HAVE YOU RECENTLY BEEN HOSPITALIZED OR TREATED BY A DOCTOR?

EXPLAIN

yes 3. DO YOU CURRENTLY TAKE PRESCRIBED MEDICATION?

EXPLAIN albuterol

no 4. HAVE YOU EVER ATTEMPTED SUICIDE OR ARE YOU THINKING ABOUT IT NOW? EXPLAIN

no 5. DO YOU USE ALCOHOL OR STREET DRUGS?

EXPLAIN

no 6. ARE YOU ALLERGIC TO ANYTHING?

EXPLAIN

no 7. DO YOU REQUIRE A SPECIAL DIET PRESCRIBED BY A DOCTOR?

EXPLAIN

no 8. ARE THERE ANY CERTAIN FOOD YOU CANNOT EAT?

EXPLAIN

no 9. HAVE YOU EVER BEEN DETERMINED TO BE HIV POSITIVE? WHEN?

no 10. DO YOU HAVE PROBLEMS WITH YOUR TEETH?

EXPLAIN

no 11. ARE THERE ANY OTHER MEDICAL PROBLEMS WE SHOULD KNOW ABOUT? EXPLAIN

no 12. DO YOU HAVE PERSONEL DOCTOR? WHO?

CHECK ONE

yes THIS INMATE WAS COOPERATIVE IN RESPONDING TO THE ABOVE QUESTIONS AND ALLOWING ME TO OBSERVE HIM.

THIS INMATE REFUSED OR WAS UNABLE TO COOPERATE AND REFUSED TO ANSWER MY QUESTIONS CONCERNING HIS MEDICAL HISTORY AND/OR POTENTIAL FOR SUICIDE. REASON FOR INABILITY:

ooking Number: 20060144

Visual Assessment

es/No

- no 1) Is inmate unconscious?
- no 2) Does the inmate have any visible signs of trauma, illness, obvious pain or bleeding requiring immediate Doctor's care?
- no 3) Is there any obvious fever, swollen lymph nodes, Jaundice or other signs of infection that may spread throughout the facility?
- no 4) Any signs of poor skin conditions, rashes, vermin or needle marks?
- no 5) Does inmate appear to be under the influence of drugs or alcohol?
- no 6) Any visible signs of alcohol or drug withdrawal?
- no 7) Does inmate appear to be a risk of suicide or assault?
- no 8) Is inmate carrying medication?
- no 9) Does inmate have any physical deformities?
- no 10) Does inmate appear to have psychiatric problems?

For Females Only

- 11) Are you pregnant?
- 12) Have you recently delivered?
- 13) Do you take birth control?

Booking Number: 20060144Charge: FTAX 3Book Date: 2-24-06 Time: 18:13 Type: FallArrest Date: 2-24-06 Time: 17:52 Transfer In: _____Arresting Agency: RCSD Arresting Officer: M. KirbyBooking Officer: M. Fendley Searched By: M. FendleyType Search: Cloth _____ Metal _____ Pat ☒ Strip _____ Cavity _____Photo Available: ☒ Print Taken: _____ Phone Call Made: _____

Property In Property Room

Bag # Box 4

Property In Safe

Money \$ 101.18

- Bet

- yellow shirt

- hat

- Jeans

- Blue Tank Top

- 2 lighters

- pair gloves

- wallet

- earring in (File)

Signature of Inmate: James Lamar Pinbarr Jr.Signature of Inmate Upon Release: James Lamar Pinbarr Jr.

RANDOLPH COUNTY JAIL BOOKING SHEET

DATE 2-24-06 BOOKING NUMBER 20060144NAME Tony PinkardPHONE 334-863-2390 EYE Br HAIR BLKADDRESS Hwy 22 W 226 Piedmont StCITY Roanoke STATE AL ZIP 36274DOB 8-16-73 SEX Male RACE BLK HT 6'2WT 195 SOC 420-94-5151 DL PLACE OF BIRTH Roanoke STATE ALEMPLOYER Daniel Hernandez ^(Trinity Construction) POSITION ADDRESS PHONE REMARKS RELEASE DATE BY SCARS/TATTOOS

ALABAMA UNIFORM ARREST REPORT

Fingerprinted

1 Yes

2 No

R84 Completed

1 Yes

2 No

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

IDENTIFICATION	1 ORI #	2 AGENCY NAME		3 CASE #		4 SFX	
	05600000		RC50		060224092		
	5 LAST, FIRST, MIDDLE NAME						6 ALIAS AKA
	PINKARD TONY LUMAR						
ARREST	7 SEX	8 RACE	9 HGT.	10 WGT.	11 EYE	12 HAIR	13 SKIN
	14	15 PLACE OF BIRTH (CITY, COUNTY, STATE)	16 SSN	17 DATE OF BIRTH	18 AGE	19 MISCELLANEOUS ID #	
	20 SID #	21 FINGERPRINT CLASS	22 DL #	23 ST	24 FBI #		
	25	26 IDENTIFICATION COMMENTS					
	27	28 RESIDENCE PHONE	29 OCCUPATION (BE SPECIFIC)				
	30 EMPLOYER (NAME OF COMPANY/SCHOOL)	31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)	32 BUSINESS PHONE				
	33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP)	34 SECTOR #	35 ARRESTED FOR YOUR JURISDICTION?				
	36 CONDITION OF	37 RESIST ARREST?	38 INJURIES?	39 ARMED?	40 DESCRIPTION OF WEAPON		
	41 DATE OF ARREST	42 TIME OF ARREST	43 DAY OF ARREST	44 TYPE ARREST	45 ARRESTED BEFORE?	46 CHARGE-1	
	02/21/06 17:52		02/21/06	ON VIEW	YES	FTA D.V. HARASSMENT	
47 UCR CODE		48 CHARGE-2	49 UCR CODE	50 STATE CODE/LOCAL ORDINANCE			
02/21/06		FTA NUNTI	02/21/06	000163.00			
51 WARRANT #		52 DATE ISSUED	53 STATE CODE/LOCAL ORDINANCE	54 WARRANT #	55 DATE ISSUED	56 CHARGE-3	
000163.00		02/21/06	000569.00	02/21/06	FTA D.V.I.		
57 UCR CODE		58 CHARGE-4	59 UCR CODE	60 STATE CODE/LOCAL ORDINANCE			
02/21/06				001191.00			
61 WARRANT #		62 DATE ISSUED	63 STATE CODE/LOCAL ORDINANCE	64 WARRANT #	65 DATE ISSUED	66 ARREST DISPOSITION	
001191.00		02/21/06			HELD		
67 IF OUT ON RELEASE		68 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)	69 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)				
WHAT TYPE?							
70 VYR		71 VMA	72 VMO	73 VST	74 VCD TOP	75 TAG #	76 LIS
76 VIN		77 LIY	78 IMPOUNDED?				
79		80 STORAGE LOCATION/IMPOUND #					
81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED		CONTINUED IN NARRATIVE					
JUVENILE	82 JUVENILE						83 RELEASED TO
	DISPOSITION:						84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)
	85 ADDRESS (STREET, CITY, STATE, ZIP)						86 PHONE
	87 PARENTS EMPLOYER						88 OCCUPATION
RELEASE	89 ADDRESS (STREET, CITY, STATE, ZIP)						90 PHONE
	91 DATE AND TIME OF RELEASE						92 RELEASING OFFICER NAME
	93 AGENCY/DIVISION						94 ID #
	95 RELEASED TO:						96 AGENCY/DIVISION
	97 AGENCY ADDRESS						98 PERSONAL PROPERTY RELEASED TO ARRESTEE
	99 PROPERTY NOT RELEASED/HELD AT:						100 PROPERTY #
	101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)						
	102 SIGNATURE OF RECEIVING OFFICER						103 SIGNATURE OF RELEASING OFFICER
	104 CASE #						105 SFX
	106 CASE #						107 SFX
108 CASE #						109 SFX	
110 ADDITIONAL CASES CLOSED						111 ARRESTING OFFICER (LAST, FIRST, M.)	
112 ID #						113 ARRESTING OFFICER (LAST, FIRST, M.)	
114 ID #						115 SUPERVISOR	
116 WATCH CMDR.						117 ID #	

TYPE OR PRINT IN BLACK INK ONLY

ACJIC-34 REV. 10-90

PROBATION REVOCATION

STATE OF ALABAMA,

**IN THE DISTRICT COURT OF
RANDOLPH COUNTY, ALABAMA**

**PLAINTIFF,
Tony Pinkard**

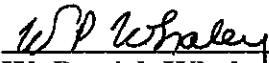
CASE NO. DC05-163,569

**You are hereby ORDERED to appear on the 9th day of May, 2006, 8:30
A.M. in courtroom #1 to SHOW CAUSE why Your order of probation should
Not be revoked due to the following:**

- () 1. Failure to pay fines, cost and restitution in the amount \$**
- (X) 2. Failure to successfully complete 58 days Community Service
Work.**
- (X) 3. Failure to report for review.**
- () 4. Failure to attend and successfully complete Court Referral Program.
See Document attached
- () 5. New Criminal Charge:**

**The Defendant's failure to appear shall result in the issuance of an arrest
warrant.**

Done this 21th day of April, 2006



W. Patrick Whaley District Judge

DOB: 8-16-73 DL#
SSN# 420-94-5151 ADDRESS: House# 786 CR 805 Wedowee Al 36278
RACE: B SEX: M
HT : 6'02" WT: 165 Eyes :Bro Hair: Blk

Filed in Office

APR 25 2006

**KIM S. BENEFIELD
Clerk of Circuit Court**

IN THE DISTRICT COURT OF RANDOLPH COUNTY, ALABAMA

STATE OF ALABAMA

VS

CASE NO. TR-01-1191Tony L. Pinkard
DEFENDANT**Filed in Office**

OCT 30 2006

ORDER FOR WRIT OF ARREST**KIM S. BENEFIELD**
Clerk of Circuit Court

The District Attorney's Restitution Recovery Division has advised this Court that the above named Defendant has Failed to Comply in paying Court Ordered restitution, costs, fines, and fees as previously ORDERED by this Court. On 2/14/06 Defendant was Ordered to pay \$100.00 per Month beginning February. Defendant now owes \$900.00 to be in compliance as of November. Defendant last paid on 8/17/04 the sum of \$ 150.00.

IT IS ORDERED that a FAILURE TO COMPLY WRIT OF ARREST BE ISSUED in this matter. Defendant shall purge from the Randolph County Jail upon payment of \$ 900.00 to bring him/her under compliance as of November; plus any payments due from this date until time of arrest. Further, Defendant shall be bonded for the next Restitution Recovery Court date.

Done this the 20th day of October 2006.

W. R. Ral
DISTRICT JUDGEDefendant's address: 226 Piedmont StRoanoke, VA 26274Race: B Sex: M Date of Birth: 8/16/73SS# 420-94-5151 DL# 420945151 VA

COMMENTS: _____

Executed this _____ day of _____, 2006, by arresting defendant and
☐ placing him/her in the _____ County Jail.
☐ allowing defendant to purge upon payment of \$ _____ to the Circuit
 Clerk's Office and making bond for _____

Deputy Sheriff

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

1 ORI # 0560000		2 AGENCY NAME RUSO		3 CASE # 01010809		4 SFX	
5 LAST, FIRST, MIDDLE NAME Pinkard, Tony						6 ALIAS AKA	
7 SEX M	8 RACE W	9 HGT. 5'9"	10 WGT. 150	11 EYE BRN	12 HAIR BRN	13 SKIN	14
15 PLACE OF BIRTH (CITY, COUNTY, STATE) Randolph				16 SSN 4210-9415151	17 DATE OF BIRTH 08-16-73	18 AGE 33	19 MISCELLANEOUS ID #
20 SID #	21 FINGERPRINT CLASS KEY MAJOR PRIMARY SCOV SUB-SECONDARY FINAL			22 DL #	23 ST		
24 FBI #	HENRY CLASS			25 IDENTIFICATION COMMENTS			
26 [1] RESIDENT [2] NON-RESIDENT			27 HOME ADDRESS (STREET, CITY, STATE, ZIP)		28 RESIDENCE PHONE		29 OCCUPATION (BE SPECIFIC)
30 EMPLOYER (NAME OF COMPANY/SCHOOL)			31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)		32 BUSINESS PHONE		
33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) Chambers				34 SECTOR #	35 ARRESTED FOR YOUR JURISDICTION? [1] YES [2] NO		
36 CONDITION OF [1] DRUNK [2] SOBER [3] DRUGS		37 RESIST ARREST? [1] YES [2] NO		38 INJURIES? [1] NONE [2] OFFICER [3] ARRESTEE		39 ARMED? [1] Y [2] N	
40 DESCRIPTION OF WEAPON [1] HANDGUN [2] RIFLE [3] SHOTGUN		41 DATE OF ARREST 11-28-07		42 TIME OF ARREST 1:00 PM		43 DAY OF ARREST	
44 TYPE ARREST [1] ON VIEW [2] CALL [3] WARRANT		45 ARRESTED BEFORE? [1] YES [2] NO [3] UNKNOWN		46 CHARGE-1 [1] FEL [2] MISD		47 UCR CODE	
48 CHARGE-2 [1] FEL [2] MISD		49 UCR CODE		50 STATE CODE/LOCAL ORDINANCE		51 WARRANT #	
52 DATE ISSUED		53 STATE CODE/LOCAL ORDINANCE		54 WARRANT #		55 DATE ISSUED	
56 CHARGE-3 [1] FEL [2] MISD		57 UCR CODE		58 CHARGE-4 [1] FEL [2] MISD		59 UCR CODE	
60 STATE CODE/LOCAL ORDINANCE		61 WARRANT #		62 DATE ISSUED		63 STATE CODE/LOCAL ORDINANCE	
64 WARRANT #		65 DATE ISSUED		66 ARREST DISPOSITION [1] HELD [2] BAIL [3] RELEASED		67 IF OUT ON RELEASE WHAT TYPE?	
68 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)				69 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)			
70 VYR	71 VMA	72 VMO	73 VST	74 VCO TOP	75 TAG #	76 LIS	77 LIV
78 VIN				79 IMPOUNDED? [1] YES [2] NO		80 STORAGE LOCATION/IMPOUND #	
81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED							
82 JUVENILE DISPOSITION: [1] HANDLED AND RELEASED [2] REF. TO WELFARE AGENCY [3] REF. TO ADULT COURT [4] REF. TO JUVENILE COURT [5] REF. TO OTHER POLICE AGENCY							
83 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)				84 ADDRESS (STREET, CITY, STATE, ZIP)		85 PHONE	
86 PARENTS EMPLOYER				87 OCCUPATION		88 ADDRESS (STREET, CITY, STATE, ZIP)	
89 PHONE				90 PHONE			
91 DATE AND TIME OF RELEASE		92 RELEASING OFFICER NAME		93 AGENCY/DIVISION		94 ID #	
95 RELEASED TO:		96 AGENCY/DIVISION		97 AGENCY ADDRESS			
98 PERSONAL PROPERTY RELEASED TO ARRESTEE [1] YES [2] NO [3] PARTIAL		99 PROPERTY NOT RELEASED/HELD AT:		100 PROPERTY #			
101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE)							
102 SIGNATURE OF RECEIVING OFFICER				103 SIGNATURE OF RELEASING OFFICER			
104 CASE #		105 SFX		106 CASE #		107 SFX	
108 CASE #		109 SFX		110 CASE #		111 SFX	
112 ID #		113 ARRESTING OFFICER (LAST, FIRST, M.)		114 ID #		115 SUPERVISOR	
116 WATCH CMDR.		ID #		117 WATCH CMDR.		ID #	

TYPE OR PRINT IN BLACK INK ONLY

ACJIC--34 REV. 10-90

EXHIBIT B

Affidavit of Craig Davidson

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

TONY LAMAR PINKARD, SR.,

Plaintiff,

v.

CRAIG DAVIDSON,

Defendants.

)
)
)
)
) **CIVIL ACTION NO.: 3:07-CV-70-MEF**
)
)
)
)

AFFIDAVIT OF CRAIG DAVIDSON

STATE OF ALABAMA

COUNTY OF RANDOLPH

)
)
)

1. My name is Craig Davidson. I am over the age of nineteen and am competent to execute this Affidavit, which is based on my personal knowledge, training and experience.

2. I am a correctional officer of the Randolph County Jail, Randolph County, Alabama, and was a correctional officer at all times relevant to Plaintiff's Complaint.

3. I have reviewed the Plaintiff's Complaint filed in this matter. I have some personal knowledge of the facts stated in the Complaint.

4. It is the policy of the Randolph County Sheriff's Department that members of the Jail staff receive and answer inmate grievances. Forms on which grievances may be relayed to the Jail staff are readily available in the Jail. Inmates are furnished these forms at any time they request one. An exception exists for requests of an emergency nature, which may be made orally. Grievances are given to me or to the Jail Administrator, Shirley Johnson. Grievances relating to me personally would be given directly to the Jail Administrator. Any decisions of

myself or the Jail Administrator can be appealed to the Randolph County Sheriff. Copies of all completed grievances and request forms are placed in an inmate's Jail file.

5. Inmates are made aware of the grievance procedure.
6. To not provide an inmate with a grievance form or address a grievance would be a violation of the policy of this Jail.
7. The Plaintiff has not filed a grievance with respect to any of the allegations in his lawsuit.
8. Jail personnel are occasionally required to use physical force in the performance of their duties in order to ensure the orderly administration of the Jail and the safety of Jail staff and inmates. However, the Randolph County Jail has a policy forbidding the use of excessive force in pursuit of those goals. It would be a violation of Jail policy for Jail personnel to use excessive or unnecessary force directed towards an inmate.
9. On or about January 9, 2007, I received a report from Corrections Officer Ronald Smith that the Plaintiff had been making an unreasonable amount of noise throughout the previous night, banging on doors, yelling, and cursing at the Jail staff. The Plaintiff's activity was disruptive to the Jail and potentially agitating to the other inmates. I determined that for administrative reasons, the Plaintiff should be placed alone in a holding cell until he calmed down.
10. When I notified the Plaintiff that he was being moved to a holding cell, he refused to comply and was verbally abusive and argumentative. I warned the Plaintiff three (3) times that he must comply with my directions and, should he continue to refuse, that he would be sprayed with chemical spray. Nevertheless, the Plaintiff continued to refuse to comply with my directions to exit his cell block and accompany me to a holding cell, and continued to curse and

argue. I then proceeded to spray the Plaintiff with my chemical spray, which enabled me to handcuff him without injury to either the Plaintiff or me.

11. Though I was finally able to get my handcuffs on the Plaintiff, he was struggling so hard that I was unable to "double lock" the handcuffs. Double locking handcuffs prevents them from tightening on the wrists any further. Because the Plaintiff's vigorous resistance did not permit me to double lock the handcuffs, it is possible that the handcuffs tightened on his wrists to the point where the Plaintiff felt some pain. However, the Plaintiff was not handcuffed longer than a few minutes, and there were no visible signs of injury to the Plaintiff's wrists when the handcuffs were later removed.

12. Jail policy requires that any inmate who is subject to chemical spray be "decontaminated" as soon as reasonably possible. Therefore, I proceeded to escort the Plaintiff to an outside Jail yard for decontamination. However, the Plaintiff remained physically resistant and, even after being handcuffed, was attempting to resist being escorted to the Jail yard. At one point while passing through a doorway, the Plaintiff attempted to pull away from me and I was forced to pin him against a wall to regain control. However, the Plaintiff was not injured during that incident.

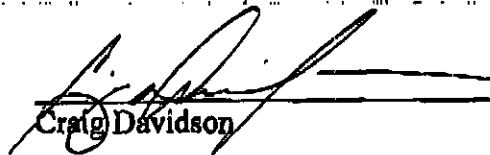
13. After we reached the jail yard, I used a garden hose to spray water on the Plaintiff's head, along with shampoo, in order to wash the chemical spray off of the Plaintiff's head and face. During this process, the Plaintiff continued to struggle and resist, and hit his own head against the water hose. However, upon immediate examination, the Plaintiff did not exhibit any mark on his head, and I did not observe any blood. The Plaintiff did not complain at the time that he had hit his head. The Plaintiff was then escorted to a holding cell, and I retrieved his asthma inhaler for his use.

14. The force used in the aforementioned incident was restricted to the minimum force necessary to remove the Plaintiff from his cell, maintain control of him while escorting him through the jail, and decontaminating him as a result of the chemical spray. At no time was the Plaintiff struck, kicked, or otherwise assaulted by myself or any other correctional officer. Though the Plaintiff was verbally belligerent and physically abusive, at no time did I threaten to kill the Plaintiff. The Plaintiff was not injured in any way during the incident. Jail records reveal no medical assistance or request for medical assistance related to this incident.

15. There is one video camera in the Jail that would monitor the Plaintiff's cell block and cell. However, that camera is for monitoring purposes only, and does not record.

16. I certify and state that the documents provided to the Court which are attached to the Defendants' Special Report are true and correct copies of the Plaintiff's inmate records, kept at the Randolph County Jail in the regular course of business.

17. I affirm, to the best of my present knowledge and information, that the above statements are true, that I am competent to make this Affidavit, and that the above statements were made by drawing from my personal knowledge of the situation.


Craig Davidson

SWORN TO and SUBSCRIBED before me this 2 day of March, 2007.


NOTARY PUBLIC

My Commission Expires: 01-06-11

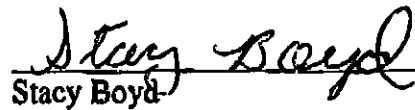
EXHIBIT C

Affidavit of Stacy Boyd

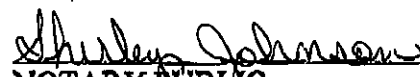
1. My name is Stacy Boyd. I am over the age of nineteen and am competent to execute this Affidavit, which is based on my personal knowledge, training and experience.
2. I am a correctional officer of the Randolph County Jail, Randolph County, Alabama, and was a correctional officer at all times relevant to Plaintiff's Complaint.
3. I have reviewed the Plaintiff's Complaint filed in this matter. I have some personal knowledge of the facts stated in the Complaint.
4. It is the policy of the Randolph County Sheriff's Department that members of the Jail staff receive and answer inmate grievances. Forms on which grievances may be relayed to the Jail staff are readily available in the Jail. Inmates are furnished these forms at any time they request one. An exception exists for requests of an emergency nature, which may be made orally. Grievances are given to Captain Davidson or to the Jail Administrator, Shirley Johnson. Any decisions of Captain Davidson or the Jail Administrator can be appealed to the Randolph

11. There is one video camera in the Jail that would monitor the Plaintiff's cell block and cell. However, that camera is for monitoring purposes only, and does not record.

12. I affirm, to the best of my present knowledge and information, that the above statements are true, that I am competent to make this Affidavit, and that the above statements were made by drawing from my personal knowledge of the situation.


Stacy Boyd

SWORN TO and SUBSCRIBED before me this ____ day of March, 2007.


NOTARY PUBLIC

My Commission Expires: 01-06-2011

EXHIBIT D

Affidavit of Matthew Fendley

4. It is the policy of the Randolph County Sheriff's Department that members of the Jail staff receive and answer inmate grievances. Forms on which grievances may be relayed to the Jail staff are readily available in the Jail. Inmates are furnished these forms at any time they request one. An exception exists for requests of an emergency nature, which may be made orally. Grievances are given to Captain Davidson or to the Jail Administrator, Shirley Johnson. Any decisions of Captain Davidson or the Jail Administrator can be appealed to the Randolph

County Sheriff. Copies of all completed grievances and request forms are placed in an inmate's Jail file.

5. Inmates are made aware of the grievance procedure.

6. To not provide an inmate with a grievance form or address a grievance would be a violation of the policy of this Jail.

7. To my knowledge the Plaintiff has not filed a grievance with respect to any of the allegations in his lawsuit.

8. Jail personnel are occasionally required to use physical force in the performance of their duties in order to ensure the orderly administration of the Jail and the safety of Jail staff and inmates. However, the Randolph County Jail has a policy forbidding the use of excessive force in pursuit of those goals. It would be a violation of Jail policy for Jail personnel to use excessive or unnecessary force directed towards an inmate.

9. On or about January 9, 2007, I accompanied Captain Craig Davidson to move the Plaintiff from his current cell to a holding cell. When the Plaintiff was notified that he was being moved to a holding cell, he refused to comply and was verbally abusive and argumentative. I witnessed and heard Captain Davidson warn the Plaintiff three (3) times that he must comply with his directions and, should he continue to refuse, that he would be sprayed with chemical spray. Nevertheless, the Plaintiff continued to refuse to comply with his directions to exit his cell block and accompany us to a holding cell, and continued to curse and argue. I then witnessed Captain Davidson spray the Plaintiff with chemical spray, which enabled us to handcuff him.

10. Jail policy requires that any inmate who is subject to chemical spray be "decontaminated" as soon as reasonably possible. I witnessed Captain Davidson escort the

Plaintiff to an outside Jail yard for decontamination. The Plaintiff was then escorted to a holding cell.

11. The force used in the aforementioned incident was restricted to the minimum force necessary to remove the Plaintiff from his cell. Though the Plaintiff was verbally belligerent and physically abusive, at no time was the Plaintiff struck, kicked, or otherwise assaulted by myself or any other correctional officer. The Plaintiff was not injured in any way during the incident. Jail records reveal no medical assistance or request for medical assistance related to this incident.

12. There is one video camera in the Jail that would monitor the Plaintiff's cell block and cell. However, that camera is for monitoring purposes only, and does not record.

13. I affirm, to the best of my present knowledge and information, that the above statements are true, that I am competent to make this Affidavit, and that the above statements were made by drawing from my personal knowledge of the situation.

Matthew Fendley

SWORN TO and SUBSCRIBED before me this ____ day of March, 2007.

NOTARY PUBLIC

My Commission Expires: _____

EXHIBIT E

Affidavit of Ronald Smith

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

TONY LAMAR PINKARD, SR.,

Plaintiff,

v.

CRAIG DAVIDSON,

Defendants.

CIVIL ACTION NO.: 3:07-CV-70-MEF

AFFIDAVIT OF RONALD SMITH

STATE OF ALABAMA

COUNTY OF RANDOLPH

1. My name is Ronald Smith. I am over the age of nineteen and am competent to execute this Affidavit, which is based on my personal knowledge, training and experience.

2. I am a correctional officer of the Randolph County Jail, Randolph County, Alabama, and was a correctional officer at all times relevant to Plaintiff's Complaint.

3. I have reviewed the Plaintiff's Complaint filed in this matter. I have some personal knowledge of the facts stated in the Complaint.

4. It is the policy of the Randolph County Sheriff's Department that members of the Jail staff receive and answer inmate grievances. Forms on which grievances may be relayed to the Jail staff are readily available in the Jail. Inmates are furnished these forms at any time they request one. An exception exists for requests of an emergency nature, which may be made orally. Grievances are given to Captain Davidson or to the Jail Administrator, Shirley Johnson. Any decisions of Captain Davidson or the Jail Administrator can be appealed to the Randolph

County Sheriff. Copies of all completed grievances and request forms are placed in an inmate's Jail file.

5. Inmates are made aware of the grievance procedure.

6. To not provide an inmate with a grievance form or address a grievance would be a violation of the policy of this Jail.

7. To my knowledge the Plaintiff has not filed a grievance with respect to any of the allegations in his lawsuit.

8. Jail personnel are occasionally required to use physical force in the performance of their duties in order to ensure the orderly administration of the Jail and the safety of Jail staff and inmates. However, the Randolph County Jail has a policy forbidding the use of excessive force in pursuit of those goals. It would be a violation of Jail policy for Jail personnel to use excessive or unnecessary force directed towards an inmate.

9. On the night of January 8, 2007 and the morning of January 9, 2007, I witnessed and heard the Plaintiff making a great deal of noise all night long, beating on his cell door, yelling, cursing, generally making an excessive amount of noise, and keeping other inmates awake. On or about January 9, 2007, I was handing out breakfast trays when the Plaintiff started beating on the door and asking for another breakfast tray. I informed the Plaintiff that there were no extra breakfast trays to give him. When I went to pick up the Plaintiff's breakfast tray, he started beating on the door again and complained about the jail lights not coming on. I reported the foregoing observations in an incident report for Captain Davidson's review.

10. Later that day (January 9, 2007), I witnessed Captain Davidson with the Plaintiff in an outside Jail yard. Captain Davidson was washing the Plaintiff's head with water from a

water hose, obviously for decontamination purposes. I did not observe Captain Davidson hit the Plaintiff with the water hose.

11. There is one video camera in the Jail that would monitor the Plaintiff's cell block and cell. However, that camera is for monitoring purposes only, and does not record.

12. I affirm, to the best of my present knowledge and information, that the above statements are true, that I am competent to make this Affidavit, and that the above statements were made by drawing from my personal knowledge of the situation.



Ronald Smith

SWORN TO and SUBSCRIBED before me this 2 day of March, 2007.


NOTARY PUBLIC

My Commission Expires: 01-06-11

EXHIBIT F

Medical File of Inmate Tony Lamar Pinkard

NOTES

NAME Pinkard, Tony Lamar SS# 420-94-5151
DOB: 8/16/73 AGE: 33 SEX: _____ RACE: _____
DRUG ALLERGIES: NONE TETNUS: _____
NATURE OF PROBLEM OR REQUEST: Hx of asthma,
needs new Rx for inhaler its
out

I CONSENT TO BE TREATED BY HEALTH STAFF FOR THE CONDITION DESCRIBED.

SIGNATURE _____

HEALTH CARE DOCUMENTATION

SUBJECTIVE:

OBJECTIVE: BP _____ P 58 R _____ T _____ O2 98%

ASSESSMENT:

1/16/07 Lee County Detention Center Pinkard, Tony 420-94-5151
Assessment: This 33 y/o black male is here today because he has two concerns. He says he has asthma and needs a prescription for his MDI. He also said that the handcuff was too tight on his right wrist and feels some numbness in his right thumb and forefinger.
Physical Exam: he walks with a normal, comfortable gait. He is not completely cooperative. His attitude is not good. Heart: regular. Lungs: clear except for forced expiratory wheezes. Extremities: he does not cooperate with muscle testing by giving a full and sustained effort. He does seem to have strength and movement in the right thumb and forefinger. But he has subjective numbness in the expected area of the radial nerve branch distribution. He also says he's used Ritalin and Mellarin in the past to help him sleep.
Impression: Right hand neuropathy probably from pressure from handcuff placement. Asthma.
Plan: Renew his Albuterol MDI prescription for 2 puffs QID & PRN. We'll recheck him in one week to see how his hand is doing and also to see how much of the MDI he's using. If he's using too much we'll need to put him on something by mouth. We will also get his medical records.

PLAN:

REFER TO: _____ PA/PHYSICIAN _____ MENTAL HEALTH _____ DENTAL _____

SIGNATURE JOHN H. MCFARLAND MD TITLE MD DATE 1-16-07 TIME 0800

A18104894
A111404

NOTES

NAME Pinkard, Tony SS# 420-94-5151

DOB: 8/16/73 AGE: 33 SEX: M RACE B

DRUG ALLERGIES: 0 TETNUS: _____

NATURE OF PROBLEM OR REQUEST: Flu - Wrist

saying your eyes

I CONSENT TO BE TREATED BY HEALTH STAFF FOR THE CONDITION DESCRIBED.

SIGNATURE _____

HEALTH CARE DOCUMENTATION

WT 182.4

SUBJECTIVE:

OBJECTIVE: BP _____ P 101 R _____ T _____ O2 94%

ASSESSMENT:

PLAN:

Monitor SpO2 at 20

REFER TO: _____ PA/PHYSICIAN _____ MENTAL HEALTH _____ DENTAL _____

SIGNATURE _____ TITLE MD DATE 1/23/07 TIME 290

JOHN H McFARLAND MD
AM8104894
AL11404

SIGNATURE

HEALTH CARE DOCUMENTATION

SIGNATURE [Signature] TITLE Gen DATE 11/17/77 TIME 1430

NOTES

NAME Pinkard, Tony SS# 420-94-5151
DOB: 7/16/73 AGE: 33 SEX: M RACE B
DRUG ALLERGIES: Ø TETNUS: _____
NATURE OF PROBLEM OR REQUEST: 7/14 E Knot Under
St arm free (MI)

I CONSENT TO BE TREATED BY HEALTH STAFF FOR THE CONDITION DESCRIBED.

SIGNATURE

HEALTH CARE DOCUMENTATION

SUBJECTIVE:

OBJECTIVE: BP _____ P _____ R _____ T _____ O2 _____

ASSESSMENT:

PLAN:

REFER TO: PA/PHYSICIAN MENTAL HEALTH DENTAL

SIGNATURE _____ TITLE MD DATE 7/14/07 TIME 09:13

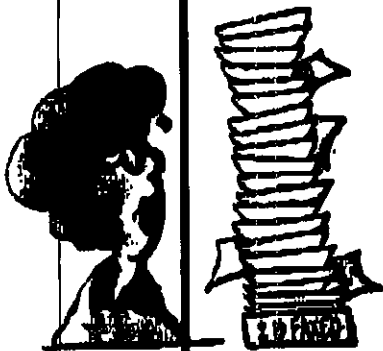
JOHN H. FARLAND MD
AM 104894
A 11404



Health Information Management

Phone 706-494-4083

FAX 706-494-4053



FAX TRANSMISSION

To: LEE COUNTY DETENTION

Date: _____

Fax #: 1334 749 4835

Number of Pages: _____
(Including cover sheet)

Phone #: _____

From: _____

Company: _____

Phone: _____

Subject / Patient Name: PINKARD, TONY

D.O.S. _____

Information Requested:

Face Sheet _____

ER Record _____

DS _____

H & P _____

Consult _____

Nurses Notes _____

Op Note _____

Path _____

Progress Notes _____

Other _____

Other _____

Comments: THERE NO RECORDS FOUND FOR THIS PATIENT

This message is intended only for the use of the individual of entity to which it is addressed and may contain information that is a privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately and return the original message to us at the address below via the U.S. Postal Service.

For Fax Transmission problems, please call (706) 494-4490

616 10th Street ■ P.O. Box 2188 ■ Columbus, GA 31902-2188

Emergency Department

PINKARD, TONY LAMAR - 0000777012

Result Type: Emergency Department
Result Date: October 29, 2006 11:59 PM
Result Status: Auth (Verified)
Result Title: ED
Performed By: WILLIAMS, WESLEY C on October 29, 2006 11:43 AM
Verified By: WILLIAMS, WESLEY C on November 16, 2006 8:08 PM
Encounter Info: EAMC, ER, 10/29/2006 - 10/29/2006

Emergency Department

PATIENT NAME: Pinkard, Tony Lamar

DATE OF SERVICE: 10/29/2006

CHIEF COMPLAINT: Out of medications and ongoing groin pain.

HISTORY OF PRESENT ILLNESS: This 33-year-old male presents to the emergency room for 2 different complaints. First, he is out of his asthma medications and would like a refill. He has moved to Opelika from Roanoke and has not gone back to see his doctor in Roanoke nor has he gotten a new primary provider here in town to take care of his asthma. He does not complain of shortness of breath at this time but only wants a refill.

He also complains of ongoing pain to his groin since suffering an injury 4 days ago for which he was seen here by Dr. McFarland. He fell and had a straddle injury landing on the rung of a ladder. He was evaluated here in the emergency department and found to have no dangerous injury. He was discharged home with 20 Lortab 5's and instructions to follow up with a primary doctor. He has failed to follow up and is getting low on his medications. He complains that his groin still hurts and is more concerned that he is unable to achieve an erection and have intercourse. He denies any dysuria or problems with voiding or bowel movements.

PAST MEDICAL HISTORY: Asthma.

SOCIAL HISTORY: He lives locally and works in construction.

REVIEW OF SYSTEMS: No headache, syncope, fever, chills, chest pain, shortness of breath, abdominal pain, nausea, vomiting or diarrhea. Otherwise negative.

PHYSICAL EXAMINATION:

VITAL SIGNS: He is afebrile with normal stable vital signs. Oxygen saturation is normal at 98% on room air.

GENERAL: This is a 33-year-old male in no acute distress.

Printed by: Mcca, Condolese X
Printed on: 1/11/2007 11:43 AM

Page 1 of 3
(Continued)

MAR-02-2007 12:20 FROM: LEE CO SHERIFF

334 749 4835

TO: 334 262 1772

P.16/23

Case 3:07-cv-00070-MEF-WC

Document 6-7

Filed 03/05/2007

Page 8 of 47

Completed Action List:

- * Perform by WILLIAMS, WESLEY C on October 29, 2006 11:43 AM
- * Sign by WILLIAMS, WESLEY C on November 16, 2006 8:08 PM November 16, 2006 8:00 PM
- * Modify by WILLIAMS, WESLEY C on November 16, 2006 8:00 PM
- * VERIFY by WILLIAMS, WESLEY C on November 16, 2006 8:08 PM

Printed by: Moss, Condelease X
Printed on: 1/11/2007 11:43 AM

Page 3 of 3
(End of Report)

Emergency Department

PINKARD, TONY LAMAR - 0000777012

Result Type: Emergency Department
Result Date: October 01, 2006 11:59 PM
Result Status: Auth (Verified)
Result Title: cd
Performed By: CROSBY, DELL on October 01, 2006 1:28 PM
Verified By: CROSBY, DELL on October 02, 2006 6:05 PM
Encounter Info: EAMC ER, 10/1/2006 - 10/1/2006

Emergency Department

Patient Name: Pinkard, Tony Lamar

DATE OF ADMISSION: 10/01/2006

CHIEF COMPLAINT: Shortness of breath.

HISTORY OF PRESENT ILLNESS: The patient is a 33-year-old black male who has a history of asthma. He states he has been short of breath for the last 2-3 days and has come in because of difficulty breathing. He lives about 2-3 miles from the hospital. He states that the only way to get here is to walk, and he had to walk here this afternoon. He was seen yesterday for the same complaint and waited very much to be admitted but did not meet criteria. Today, his first request is that he be admitted to the hospital. As I am conversing with him about his desire to be admitted, it is objectively apparent that he is not short of breath, and his oxygen saturation on room air is 97%. The patient denies fever. He has had no nausea or vomiting and no diarrhea. He has had no focal numbness or weakness.

PAST MEDICAL HISTORY: Asthma, back pain and pneumonia.

PAST SURGICAL HISTORY: Appendectomy.

CURRENT MEDICATIONS: Fluticasone-albuterol and albuterol. He was prescribed Prednisone yesterday, and he claims he has filled that and is taking it.

ALLERGIES: PENICILLIN, INHALANT ANESTHETICS, SEAFOOD and ENOXAPARIN.

REVIEW OF SYSTEMS: Negative above that mentioned in History of Present Illness. He has had no chest pain.

PHYSICAL EXAMINATION:

GENERAL: Well-developed, well-nourished black male who is in no distress. He is not having any shortness of breath.

VITAL SIGNS: Unremarkable.

HEENT: Unremarkable.

Printed by: Moss, Condalessa X
Printed on: 1/11/2007 11:44 AM

Page 1 of 2
(Continued)

JAN-11-2007 12:44 From:EAMC

3345281598

11313574

P.6/13

Emergency Department

PINKARD, TONY LAMAR - 0000777012

HEART: Regular rate and rhythm without a murmur.

LUNGS: There is mild expiratory wheezing but no consolidation. Air exchange is quite good on inspiration and expiration.

EXTREMITIES: Normal without edema. There is no cyanosis.

MEDICAL DECISION MAKING: We will 2 albuterol treatments.

DIAGNOSIS: Asthma with perceived dyspnea.

DISPOSITION: He is to continue his present medications at home, and I will add Singulair to his regimen. I am also giving him the names and numbers of 2-3 local physicians who are taking new patients. I have urged him to get a private doctor to help manage his long-term asthma problems.

JOB #: 587959

DE: J Dell Crosby, MD

TR: gzh

DT: 10/01/2006 1:28 P

DT: 10/01/2006 4:21 P

Doc: 807140

Job #: 000587959

cc:

Signature Line

Electronically Signed By: DELL CROSBY

On 10/02/06 18:05

DD: 10/01/06 TD: 13:28

Completed Action List:

- * Perform by CROSBY, DELL on October 01, 2006 1:28 PM
- * Sign by CROSBY, DELL on October 02, 2006 6:05 PM October 02, 2006 6:05 PM
- * VERIFY by CROSBY, DELL on October 02, 2006 6:05 PM

Printed by: Moss, Condalease X
Printed on: 10/11/2007 11:44 AM

Page 2 of 2
(End of Report)

Emergency Department

PINKARD, TONY LAMAR - 0000777012

Result Type: Emergency Department
Result Date: September 30, 2006 11:58 PM
Result Status: Auth (Verified)
Result Title: ED
Performed By: LEACH, ROBERT N on September 30, 2006 6:22 PM
Verified By: LEACH, ROBERT N on November 02, 2006 11:24 AM
Encounter Info: EAMC, ER, 9/30/2006 - 9/30/2006

Emergency Department

Patient Name: Pinkard, Tony Lamar

DATE OF SERVICE: 09/30/2006

CHIEF COMPLAINT: Asthma.

HISTORY OF PRESENT ILLNESS: This is a 33 -year-old male with a history of asthma who has been having asthmatic exacerbations regularly this past few weeks. He was hospitalized on one occasion for an exacerbation. He was working at the time around some concrete and it was speculated that perhaps he was sensitive to the concrete dust. He was told to switch jobs. He did so. However, he has now been on his new job for one week and is working in areas where he is exposed to construction dust. He comes in now because of another asthmatic exacerbation. He presents with wheezing and shortness of breath since

Yesterday. He also has some pleuritic pain on the left side. No fever. No cough of significance. He is out of his albuterol inhaler. He does not have any other medications currently at home.

PAST MEDICAL HISTORY: Asthma and back pain.

SOCIAL HISTORY: He does not smoke tobacco.

REVIEW OF SYSTEMS: He has allergies to penicillin, seafood, and also Lovcnox. His last immunization date is unknown. No weight loss or weight gain. He does not have any substernal pain. No squeezing or pressure in the chest. No nausea or vomiting. No rashes. No sore throat.

PHYSICAL EXAMINATION:

VITAL SIGNS: Temperature 97.0 degrees, pulse 110, respiratory rate 32, blood pressure 144/77, and oxygen saturation 100%.

GENERAL: Alert man who is moderately dyspneic and has some audible wheezing. He remains fully oriented.

HEENT: He has no stridor or upper airway obstruction. His pupils are equal.

NECK: Supple with no jugular venous distention.

CHEST: His chest examination shows bilateral wheezes with increased respiratory effort.

HEART: Rapid, regular.

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Printed on: 1/11/2007 11:44 AM

Page 1 of 4
(Continued)

Emergency Department

PINKARD, TONY LAMAR - 0000777012

EXTREMITIES: No edema or calf tenderness.

DIAGNOSTIC STUDIES:

A chest x-ray showed no apparent pneumonia or pneumothorax.

Printed by: Moss, Condalease X
Printed on: 1/11/2007 11:44 AM

Page 2 of 4
(Continued)

Emergency Department

PINKARD, TONY LAMAR - 0000777012

MEDICAL DECISION MAKING:

This man presents with an asthmatic exacerbation. This is somewhat aggravated by the fact that he is out of his albuterol. We gave him an albuterol treatment here followed by a one-hour treatment of albuterol. He also got IV steroids. He improved significantly. He was examined again after the initial treatments, and his breathing was much easier. He was no longer short of breath. He did have a few scattered wheezes remaining on the right. He was watched for several hours in the emergency department to make sure he did not suffer a relapse. Prior to his discharge he was given one additional nebulizer treatment. He also was given a new albuterol inhaler with a spacing chamber and instructed on how to use it. I told him to use the inhaler liberally for episodes of wheezing or shortness of breath, and he was given a prescription for steroids to take the next 3 days. He was released in improved condition. There was no indication for admission at that time. He remained afebrile. His respiratory rate prior to release was 20.

DIAGNOSIS: Asthma, acute exacerbation.

JOB ID#: 587847

DR: Robert N. Leach, MD
TR: rch
DD: 09/30/2006 6:22 P
DT: 09/30/2006 11:25 P
Doc: 807027
Job#: 000587847
cc

Signature Line

Electronically Signed By: ROBERT N LEACH
On 11/02/06 11:24

DD: 09/30/06 TD: 18:22

Completed Action List:

- * Perform by LEACH, ROBERT N on September 30, 2006 6:22 PM
- * Sign by LEACH, ROBERT N on November 02, 2006 11:24 AM November 02, 2006 11:24 AM

Printed by: Moss, Condolease X
Printed on: 1/11/2007 11:44 AM

Page 3 of 4
(Continued)

Emergency Department

PINKARD, TONY LAMAR - 0000777012

* VERIFY by LEACH, ROBERT N on November 02, 2006 11:24 AM

Printed by: Moss, Condalease X
Printed on: 1/11/2007 11:44 AM

Page 4 of 4
(End of Report)

Emergency Department

PINKARD, TONY LAMAR - 0000777012

Result Type: Emergency Department
Result Date: August 31, 2006 11:59 PM
Result Status: Auth (Verified)
Result Title: ED
Performed By: STUTTS CRNP, JULIA on August 31, 2006 2:58 PM
Verified By: STUTTS CRNP, JULIA on September 02, 2006 10:57 AM
Encounter info: EAMC, ER, 8/31/2006 - 8/31/2006

Emergency Department

PATIENT NAME: Pinkard, Tony Lamar

DATE OF SERVICE: 08/31/2006

CHIEF COMPLAINT: Itching.

HISTORY OF PRESENT ILLNESS: The patient states he was discharged from the hospital yesterday after being admitted for an exacerbation of asthma. He was given Lovenox while in the hospital and had an allergic reaction with itching and rash. He was given Benadryl. He also was placed on prednisone 40 milligrams a day. He took a Benadryl this morning but continues to itch. Patient states he has had no difficulty breathing. He used his Advair this morning. He denies using his albuterol metered dose inhaler. He denies any difficulty swallowing. No cough.

PAST MEDICAL HISTORY: Asthma, allergies.

PAST SURGICAL HISTORY: Appendectomy.

CURRENT MEDICATIONS: Advair, prednisone 40 milligrams a day and albuterol metered dose inhaler for rescue.

SOCIAL HISTORY: He denies tobacco use. He admits to occasional alcohol use.

REVIEW OF SYSTEMS: Patient has allergies to PENICILLIN, SEAFOOD, ANOXAPARIN, and some type of INHALED ANESTHETICS. The patient is not diabetic.

PHYSICAL EXAMINATION:

VITAL SIGNS: Temperature 97.7. Pulse 92. Blood pressure 129/71. Respirations 18. Oxygen saturation 98% on room air.

GENERAL APPEARANCE: Well-nourished, well-developed, black male in no acute distress.

HEENT: Benign.

Printed by: Moss, Condalesa X
Printed on: 1/11/2007 11:44 AM

Page 1 of 3
(Continued)

Emergency Department**PINKARD, TONY LAMAR - 0000777012****NECK:** Supple. Full range of motion.**CHEST:** Symmetrical expansion.**LUNGS:** Bilateral expiratory wheezes throughout.**HEART:** Regular rate and rhythm without murmur.**ABDOMEN:** Soft and nontender with active bowel sounds.**SKIN:** There are some fine wheals noted to the patient's upper back.

EMERGENCY DEPARTMENT COURSE: The patient was given a one hour albuterol Atrovent treatment with reassessment after treatment revealing clear lung fields. He was treated aggressively with Solu-Medrol 125 milligrams IV and Benadryl 25 milligrams IV with complete resolution of itching. The patient's current condition was discussed with Dr. Shashi Sharma, his primary care physician, who agrees with treatment.

ASSESSMENT:

1. Asthma with wheezing.
2. Urticaria with pruritus

PLAN: Patient will be placed on Atarax 25 milligrams t.i.d. He is to continue his prednisone. He is encouraged to use his albuterol inhaler as much as needed. Dr. Sharma wants to see the patient in followup in the next few days in the office. Patient says he already has an appointment within the next week. He is to return to the emergency department if his symptoms worsen in any way, if he has any difficulty breathing, any worsening itching or rash, difficulty swallowing, fever, or nausea or vomiting.

Job ID #578796

DP: Julia Stuts, CRNP
TR: dxg
DD: 08/31/2006 2:59 P
DT: 08/31/2006 5:09 P
Duc: 796266
Job#: 000578796
cc:

Signature Line

Printed by: Moss, Condaless X
Printed on: 1/11/2007 11:44 AM

Page 2 of 3
(Continued)

Emergency Department

PINKARD, TONY LAMAR - 0000777012

Electronically Signed By: JULIA STUTTS

On 09/02/06 10:57

DD: 08/31/06 TD: 14:59

Completed Action List:

- * Perform by STUTTS CRNP, JULIA on August 31, 2006 2:59 PM
- * Sign by STUTTS CRNP, JULIA on September 02, 2006 10:57 AM September 02, 2006 10:57 AM
- * VERIFY by STUTTS CRNP, JULIA on September 02, 2006 10:57 AM

Printed by: Moss, Condaless X
Printed on: 1/11/2007 11:44 AM

Page 3 of 3
(End of Report)

NOTES

NAME: Pinkard, Tony SS# 420-94-5151
DOB: 8/16/73 AGE: 33 SEX: M RACE: B
DRUG ALLERGIES: None TETNUS: _____
NATURE OF PROBLEM OR REQUEST: Knot under (L) arm

I CONSENT TO BE TREATED BY HEALTH STAFF FOR THE CONDITION DESCRIBED.

SIGNATURE _____

HEALTH CARE DOCUMENTATION

SUBJECTIVE:

OBJECTIVE: BP _____ P _____ R _____ T _____ O2 _____

ASSESSMENT:

PLAN:

REFER TO: _____ PA/PHYSICIAN _____ MENTAL HEALTH _____ DENTAL _____

SIGNATURE _____ TITLE _____ DATE 7/6/07 TIME 1239

JOHN H. McFARLAND MD

AM 104894

AT 11404



E-mail
lcsa@leecountysheriff.org

SHERIFF OF LEE COUNTY

LEE JONES

P.O. BOX 688
OPELKA, AL 36863-0688



Phone (334) 749-5651
Fax (334) 749-4835

Mental Health Consult

Date: 2/6/07

Inmate: Pinard, Tony Cell Assignment: F-3

Presenting Complaint:

① States he was on Elavil @ Chambers Co. Jail to help him sleep
② medical records sent for but no response yet.

Dangerousness to Self or Others: YES or NO

[Signature]
MD or NURSE

I hereby authorize the Lee County Sheriff's Office to use, disclose and/or obtain my health information as follows (check all that apply):

() use the following health information maintained by Lee County Sheriff's Office.

☒ disclose the following health information to:

LEE COUNTY DETENTION CENTER
P.O. BOX 2407

☒ obtain the following health information from:

Lee County Jail
Medical
C.V.S

Chambers
Co. Jail

Specific description of the health information to be used/disclosed/obtained (include dates of service, type of service, etc.):

and all information about prescriptions for mental health medications.

This health information is used/disclosed/obtained for the purpose of Authorization requested by the patient or: "At the request of the individual":

Cont. Tr. T. H. John Yns J. J. J.

I understand that this health information may include information regarding drugs and alcohol, human immunodeficiency virus test results, and psychotherapy notes.

If the disclosure is for marketing purposes, will the Lee County Sheriff's Office directly or indirectly receive remuneration for the disclosure of health information? Yes ___ No ___ N/A ☒.

By providing this Authorization, I understand as follows:

I understand that this Authorization is voluntary. I may refuse to sign this Authorization and my treatment and/or payment obligations will not be affected.

1. I understand that this Authorization is voluntary. I may refuse to sign this Authorization and my treatment and/or payment obligations will not be affected.
2. I understand that the health information to be released may be subject to re-disclosure by the recipient of the health information and no longer protected by the Federal Privacy Rules.
3. I understand that I may revoke this Authorization at any time by notifying the Lee County Sheriff's Office in writing, but if I do it will not have any effect on uses or disclosures prior to the receipt of the revocation.
4. I understand that I will receive a copy of this Authorization form after I sign it.
5. I understand that this Authorization will expire on 01/09/08 (MM/DD/YR) or upon the following event (if for research put "None" or "End of the research study"):

If an expiration date is not chosen, this authorization will cease to be valid 90 days from the date of signature.

Tony Pinkard
Signature of Patient or Patient Representative

Jan 10, 2007
Date

Leola
Printed Name of Patient's Representative (if applicable)

Representative's Relationship to Patient (if applicable)

LEE COUNTY DETENTION CENTER
NURSING
PO BOX 2407
OPELIKA, AL 36803-2407

LEE COUNTY SHERIFF'S OFFICE

PATIENT INFORMATION

PATIENT AUTHORIZATION FOR USE
AND/OR DISCLOSURE OF PROTECTED
HEALTH INFORMATION

PATIENT NAME: Pinkard, Tony

SOCIAL SECURITY NO. 420-94-5151

DATE OF BIRTH 08/16/73



E-mail:
lcsso@intlnet.spring.com

SHERIFF OF LEE COUNTY

JAY JONES

RD. BOX 688
OPELIKA, AL 36803-0688



Phone (334) 749-6651
Fax (334) 749-4835

Lee County Detention Center

Fax Cover Sheet

Date:

~~1/30/07~~ ~~2/8/07~~ 2/15/07

Time:

~~4:47a~~ ~~3:30pm~~ 4:30pm

Attention:

Chamberlain's Co. Jail (334) 864-4307

RE:

Tony Piccard

Number of Pages:

2

From: Medical Department
Nursing Staff

Kelley

Phone: (334) 737-3590 or 3591

Fax: (334) 737-3574

LEE COUNTY SHERIFF'S DEPARTMENT
RECORD OF MEDICAL EXAMINATION

PART 1 To be completed by Corrections Staff (please print clearly)

1. Inmate's Name: Linkard, Tony
2. Date of Examination: 2/23/07
3. Time of Examination: 2:00 Noon
4. Reason treatment was needed: Dental exam & Tx

5. Did Inmate request treatment? ☒ Yes ☐ No (If yes, place request form in Inmate's file)

6. Was inmate transported from the jail? ☒ Yes ☐ No

7. If yes, to what location? Dental am. Dr. Potts's Office

8. Was inmate treated at the jail? ☒ Yes ☐ No

9. Who examined the inmate? Michael Carrington Case

10. Corrections Staff Signature and title: _____

PART 2 To be completed by person examining inmate (Please print clearly)

1. Type of treatment/examination: Surgical ext #32

2. Prognosis: good

3. Is additional treatment needed? ☐ Yes ☒ No If so, please specify if other than medication: _____

4. Medication prescribed: Lortab 7.5

5. Special instructions for administration: _____

6. Other special instructions (restrictions of diet, activity, work, etc; observations orders; other): _____

2/23/07
Date

1:15
Time

CAS
Health Care Provider Signature/ Title

noted
2/23/07

East Alabama Medical Center
2000 Pepperell Parkway
Opelika, AL 36801
334-749-3411

Confidential Fax Cover Page

Facsimile Transmission
Confidential Health Information Attached

**THE DOCUMENTS ACCOMPANYING THIS TRANSMISSION CONTAIN
CONFIDENTIAL HEALTH INFORMATION THAT IS LEGALLY PROTECTED. AS
THE RECIPIENT OF THIS TRANSMISSION, YOU ARE OBLIGATED TO MAINTAIN IT
IN A SAFE, SECURE AND CONFIDENTIAL MANNER.**

Date: 1/11/2007

Time: _____

Please deliver the following pages to:

Name: Lee County

Fax No: 737-3574

Place: Detention Center

Telephone No: _____

This transmittal is being sent by:

Name: C. Morris

Fax No: (334) 528-1598

Place: EAMC

Telephone No: (334) 528-2261

Message: Pinkard Tony

Number of pages transmitted: (Number of pages, including cover page): _____

Verification:

Please contact Medical Records Department at 528-2261 to verify the receipt of this facsimile.

**THIS FAX IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED
ABOVE AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL.
UNAUTHORIZED RE-DISCLOSURE OR A FAILURE TO MAINTAIN THE CONFIDENTIALITY
OF THE INFORMATION CONTAINED HEREIN COULD SUBJECT YOU TO PENALTIES
UNDER STATE AND FEDERAL LAW. IF THE READER OF THIS MESSAGE IS NOT THE
INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO
THE INTENDED RECIPIENT, THE READER IS HEREBY NOTIFIED THAT ANY
DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY
PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE
NOTIFY US IMMEDIATELY BY TELEPHONE.**

MESSAGE CONFIRMATION

JAN-11-2007 11:21 THU

FAX NUMBER : 334 749 4835
NAME : LEE CO SHERIFF

NAME/NUMBER : 17064944053
PAGE : 2
START TIME : JAN-11-2007 11:21 THU
ELAPSED TIME : 00:22"
MODE : STD BCM
RESULTS : [O.K]



SHERIFF OF LEE COUNTY

JAY JONES

PO. BOX 588
OPELIKA, AL. 36801-0008



Phone (334) 749-2051
Fax (334) 749-4030

Lee County Detention Center

Fax Cover Sheet

Date: 01/11/07
Time: 11:30

Attention: Medical Records

RE: Pemberton, Tony

Number of Pages: 2

From: Medical Department
Nursing Staff

Phone: (334) 737-3590 or 3591

Fax: (334) 737-3574

(706) 494-4053

Denton

LAmy 705-1598

MESSAGE CONFIRMATION

JAN-11-2007 11:20 THU

FAX NUMBER : 334 749 4835
NAME : LEE CO SHERIFF

NAME/NUMBER : 705 1598
PAGE : 2
START TIME : JAN-11-2007 11:19 THU
ELAPSED TIME : 00'20"
MODE : STD ECM
RESULTS : [O.K]



E-mail: lee@ministry.com

SHERIFF OF LEE COUNTY
JAY JONES

P.O. BOX 559
TOMBALL, AL 36613-0559



Phone (334) 749-3511
Fax (334) 749-4835

Lee County Detention Center

Fax Cover Sheet

Date: 01/11/07
Time: 11:30

Attention: Medical Records

RE: Pinkard, Tony

Number of Pages: 2

From: Medical Department
Nursing Staff
Phone: (334) 737-3590 or 3591
Fax: (334) 737-3574

(706) KAK 4053
Dante
EAMW 705-1598



E-mail:
lcsa@mindspring.com

SHERIFF OF LEE COUNTY
JAY JONES

P.O. BOX 688
OPELIKA, AL 36803-0688



Phone (334) 740-6651
Fax (334) 740-4000

Lee County Detention Center

Fax Cover Sheet

Date: 01/11/07
Time: 1130

Attention: Medical Records

RE: Pinkard, Tony

Number of Pages: 2

From: Medical Department
Nursing Staff

Phone: (334) 737-3590 or 3591

Fax: (334) 737-3574

Denton

EAMH 705-1598

(706) 494-4050

JAN 00 2007

[illegible]

LEE COUNTY DETENTION CENTER MEDICAL CHARGE FORM (FORM #33)

INMATE NAME Pinkard Tony
DATE OF BIRTH _____ RACE/SEX _____
SOCIAL SECURITY# _____ CELL _____

SERVICES & FEES

- ☐ SICK CALL
- ☐ DOCTOR VISIT
- ☐ DENTIST VISIT
- ☒ PRESCRIPTION
- ☐ FOLLOW-UP VISIT

\$10.00

\$10.00

\$10.00

\$3.00

N/A

Inhaler

TOTAL OF MEDICAL SERVICES
RENDERED

\$ 3.00

MEDICAL VERIFICATION SECTION

Authorized Nursing Staff Signature & Date

[Signature] 2/18/07

Inmate Signature & Date

[Signature]

Inmate Account Payable Clerk Signature & Date

[Signature]

☐ PLEASE CHECK IF INMATE IS INDIGENT TO PAY THE ABOVE CHARGES.

☐ PLEASE CHECK IF INMATE IS ABLE TO PAY THE ABOVE CHARGES.

LEE COUNTY DETENTION CENTER MEDICAL CHARGE FORM (FORM #33)

INMATE NAME Pinkard Tony
DATE OF BIRTH _____ RACE/SEX _____
SOCIAL SECURITY # _____ CELL F-3

*** SERVICES & FEES ***

<input type="checkbox"/> SICK CALL	\$10.00
<input type="checkbox"/> DOCTOR VISIT	<u>\$10.00</u>
<input type="checkbox"/> DENTIST VISIT	\$10.00
<input type="checkbox"/> PRESCRIPTION	\$3.00
<input type="checkbox"/> FOLLOW-UP VISIT	N/A

TOTAL OF MEDICAL SERVICES RENDERED \$ 10.00

MEDICAL VERIFICATION SECTION

Authorized Nursing Staff Signature & Date [Signature] 2/10/07

Inmate Signature & Date [Signature]

Inmate Account Payable Clerk Signature & Date

☐ PLEASE CHECK IF INMATE IS INDIGENT TO PAY THE ABOVE CHARGES.

☐ PLEASE CHECK IF INMATE IS ABLE TO PAY THE ABOVE CHARGES.

LEE COUNTY DETENTION CENTER MEDICAL CHARGE FORM (FORM #33)

INMATE NAME

Pinkard Tony

DATE OF BIRTH

RACE/SEX

SOCIAL SECURITY#

CELL

F 3

SERVICES & FEES

- ☐ SICK CALL
- ☐ DOCTOR VISIT
- ☐ DENTIST VISIT
- ☒ PRESCRIPTION
- ☐ FOLLOW-UP VISIT

\$10.00

\$10.00

\$10.00

\$3.00

N/A

Naprosyn

TOTAL OF MEDICAL SERVICES
RENDERED

\$ 3.00

MEDICAL VERIFICATION SECTION

Authorized Nursing Staff Signature & Date

[Signature] 1/29/07

Inmate Signature & Date

[Signature]

Inmate Account Payable Clerk Signature & Date

[Signature]

☐ PLEASE CHECK IF INMATE IS INDIGENT TO PAY THE ABOVE CHARGES.

☐ PLEASE CHECK IF INMATE IS ABLE TO PAY THE ABOVE CHARGES.

LEE COUNTY DETENTION CENTER

MEDICAL CHARGE FORM

(FORM #33)

INMATE NAME Richard, Tony
DATE OF BIRTH _____ RACE/SEX _____
SOCIAL SECURITY# _____ CELL 7-3

SERVICES & FEES

<input type="checkbox"/> SICK CALL	\$10.00
<input type="checkbox"/> DOCTOR VISIT	\$10.00
<input type="checkbox"/> DENTIST VISIT	\$10.00
<input checked="" type="checkbox"/> PRESCRIPTION <u>all the</u>	<u>\$3.00</u>
<input type="checkbox"/> FOLLOW-UP VISIT <u>and</u>	N/A

TOTAL OF MEDICAL SERVICES
RENDERED

\$ 3.00

MEDICAL VERIFICATION SECTION

Authorized Nursing Staff Signature & Date

[Signature] 02/16/07

Inmate Signature & Date

[Signature] 1-7

Inmate Account Payable Clerk Signature & Date

[Signature]

☐ PLEASE CHECK IF INMATE IS INDIGENT TO PAY THE ABOVE CHARGES.

☐ PLEASE CHECK IF INMATE IS ABLE TO PAY THE ABOVE CHARGES.

LEE COUNTY DETENTION CENTER MEDICAL CHARGE FORM (FORM #33)

INMATE NAME Pickard, Tony
DATE OF BIRTH _____ RACE/SEX _____
SOCIAL SECURITY# _____ CELL F-3

SERVICES & FEES

<input type="checkbox"/> SICK CALL	\$10.00
<input type="checkbox"/> DOCTOR VISIT	\$10.00
<input type="checkbox"/> DENTIST VISIT	\$10.00
<input checked="" type="checkbox"/> PRESCRIPTION	<u>\$3.00</u>
<input type="checkbox"/> FOLLOW-UP VISIT	N/A

CUPAM

TOTAL OF MEDICAL SERVICES RENDERED \$ 3.00

MEDICAL VERIFICATION SECTION

Authorized Nursing Staff Signature & Date *[Signature]* 1/12/07

Inmate Signature & Date *[Signature]*

Inmate Account Payable Clerk Signature & Date

☐ PLEASE CHECK IF INMATE IS INDIGENT TO PAY THE ABOVE CHARGES.

☐ PLEASE CHECK IF INMATE IS ABLE TO PAY THE ABOVE CHARGES.

Lee County Detention Center
INMATE REQUEST SLIP

F-3

LOCATION

Name Raymond Richard Jr. Date Jan. 11, 2007

☐ Telephone Call ☐ Doctor ☐ Dentist ☐ Time Sheet
☐ Special Visit ☐ Personal Problem ☒ Other

Briefly Outline Your Request. Give To Jailer

I Am Requesting to Get my Albuterol
Inhaler Refilled. I do not have any more.
This one I have had it about one month
and a week. It is the

Albuterol Inhalation
Aerosol

Thank you 179 200 Metered Inhalations

Do Not Write Below This Line - For Reply Only

112/07 Hydrocortisone Cream 1%
K1 tube Admin @ 9:00A
W. J. Johnson

Approved _____ Denied _____ Collect Call _____

All Request Will Be Routed Through The Sergeant Over The Jail, Then Forwarded To
Those The Request is Directed.

Lee County Detention Center
INMATE REQUEST SLIP

F-3
LOCATION

Name Jose Luna Pineda Jr Date Jan 15, 2007
☐ Telephone Call ☐ Doctor ☒ Dentist ☐ Time Sheet
☐ Special Visit ☐ Personal Problem ☒ Other

Briefly Outline Your Request. Give To Jailer

I Am Requesting to go to A Dentist ASAP
My Back to Back off in my gum Sunday
night when I was eating some corn chips.
It has my whole side of my face hurting
on the right side. Please Make Me an appointment
Please.

Do Not Write Below This Line - For Reply Only

1/15/07 you have been placed on the
dental list
Chiffon

Approved _____ Denied _____ Collect Call _____

All Request Will Be Routed Through The Sergeant Over The Jail, Then Forwarded To
Those The Request is Directed

☐ Lieutenant

☐ Chief Deputy

☐ Sheriff

Lee County Detention Center
INMATE REQUEST SLIP

F-3

LOCATION

Name Tony B. Kew Date Jan 16, 2007

- ☐ Telephone Call ☐ Doctor ☐ Dentist ☐ Time Sheet
☐ Special Visit ☐ Personal Problem ☒ Other

Briefly Outline Your Request. Give To Jailer

I Am Requesting For Some IB Paper
or something.

Do Not Write Below This Line - For Reply Only

1/16/07 GPTA External EDNY K2
admin PD
[Signature]

Approved

Denied

Collect Call

Lee County Detention Center
INMATE REQUEST SLIP

F-3

LOCATION

Name Ton, Lamar Perkins Sr. Date January 27, 2007

☐ Telephone Call

☒ Doctor

☐ Dentist

☐ Time Sheet

☐ Special Visit

☐ Personal Problem

☐ Other

Briefly Outline Your Request. Give To Jailer

I Am Requesting ~~to~~ to know About my
Other Medication From Chambers County
I can't ~~see~~ Sleep and my lower back is
hurting from jumping up and down off of that
rack. I would like to see the Doctor

Do Not Write Below This Line - For Reply Only

Request ~~to~~ to chambers county for
Medical Records, no response
yet
Nurse Griffith

Approved _____

Denied _____

Collect Call _____

All Request Will Be Routed Through The Sergeant Over The Jail, Then Forwarded To
Those The Request is Directed.

Lee County Detention Center
INMATE REQUEST SLIP

F-3
LOCATION

Name Terry Lawrence Palmer Date January 28, 2007

☐ Telephone Call ☐ Doctor ☒ Dentist ☐ Time Sheet
☐ Special Visit ☐ Personal Problem ☐ Other

Briefly Outline Your Request. Give To Jailer

I want to know when I will I get
to the Dentist my back tooth is hurting
very badly. Every time I eat my teeth
start bleeding and hurting very bad.
I need some I B Proline or something
Please.

Thank You

Do Not Write Below This Line - For Reply Only

already on dental list

Approved _____ Denied _____ Collect Call _____

All Request Will Be Routed Through The Sergeant Over The Jail, Then Forwarded To
Those The Request is Directed.

Lee County Detention Center
INMATE REQUEST SLIP

F-3

LOCATION

Name Tony Pinkard Date Feb. 1, 2007

☐ Telephone Call ☒ Doctor ☐ Dentist ☐ Time Sheet
☐ Special Visit ☐ Personal Problem ☐ Other

Briefly Outline Your Request. Give To Jailer

I Am Requesting to see the Doctor for
Personal Problems and other reasons.

Do Not Write Below This Line - For Reply Only

2/3/07 On Dr. List for 2/6/07
Nurse GUSTIN

Approved _____ Denied _____ Collect Call _____

All Request Will Be Routed Through The Sergeant Over The Jail, Then Forwarded To Those The Request is Directed.

☐ Lieutenant ☐ Chief Deputy ☐ Sheriff

Lee County Detention Center
INMATE REQUEST SLIP

F-3
LOCATION

Name Tony Pinkard Jr Date Feb 3, 2007

☐ Telephone Call ☒ Doctor ☐ Dentist ☐ Time Sheet
☐ Special Visit ☐ Personal Problem ☐ Other

Briefly Outline Your Request. Give To Jailer

I need to see a Nurse or Doctor about
my left arm - It's a big pain under my
arm and it hurts like a crazy.
Can't get him - is Prison please Thank you

2/4/07
Do Not Write Below This Line - For Reply Only

2/6/07 Dr. list
Nurse Griffith

Approved _____ Denied _____ Collect Call _____

All Request Will Be Routed Through The Sergeant Over The Jail, Then Forwarded To
Those The Request is Directed.

Lee County Detention Center
INMATE REQUEST SLIP

F-3
LOCATION

Name Tony Lamar Pinkard Date Feb. 9 2007

☐ Telephone Call ☒ Doctor ☐ Dentist ☐ Time Sheet
☐ Special Visit ☐ Personal Problem ☒ Other

Briefly Outline Your Request. Give To Jailer

I am requesting for some more
Hydrocortisone 1% Cream Antipruritic
Anti-Itch.
Thank you

Do Not Write Below This Line - For Reply Only

2/7/07 Sent
Nurse Griffith

Approved _____ Denied _____ Collect Call _____

All Request Will Be Routed Through The Sergeant Over The Jail, Then Forwarded To
Those The Request is Directed.

Lee County Detention Center
INMATE REQUEST SLIP

F-3
LOCATION

James Edward Richmond Date Feb. 14, 2007

Phone Call ☒ Doctor ☐ Dental ☐ Time Sheet
Social Visit ☐ Personal Problem ☐ Other

Outline Your Request. Give To Jailor

Dr. Farland I am requesting for a copy of my
medical chart for my personal legal use. It is
the United States District Court of Montgomery.
I cannot have any thing to do with you or your
employees. If there is another way I got to get
it this please let me know instead of having to go
to Montgomery Federal Court. Thank you
would like to see the doctor personally. Business

Write Below This Line - For Reply Only

To Nurse 2/14/07
Not saw the doctor today. May
through proper channels to
tain his records. Signed HIPPA
release from another doctor or
lawyer

Received _____ Denied _____ Collect Call _____

Call That Forwarded To

Lee County Detention Center
INMATE REQUEST SLIP

F-3
LOCATION

Name Tony Lamar Pinland Sr Date Feb 16, 2007

☐ Telephone Call ☐ Doctor ☐ Dentist ☐ Time Sheet
☐ Special Visit ☐ Personal Problem ☒ Other

Briefly Outline Your Request. Give To Jailer

I Am Requesting to get my Albuterol
Inhaler refilled please I want it on January
17, 2007. It is 17g 200mg Inhaler
Thank you very much

Rx # 6517322

Do Not Write Below This Line - For Reply Only

2/17/07 OK

Nurse Griffin

Approved _____ Denied _____ Collect Call _____

All Request Will Be Routed Through The Sergeant Over The Jail, Then Forwarded To
Those The Request Is Directed

Lee County Detention Center
INMATE REQUEST SLIP

F-3
LOCATION

Name Tony Lamar Pinkard Sr. Date Feb 22 2007

☐ Telephone Call ☐ Doctor ☒ Dentist ☐ Time Sheet
☐ Special Visit ☐ Personal Problem ☐ Other

Briefly Outline Your Request. Give To Jailer

I Am Requesting to see a Dentist or a
doctor As soon As I can because currently there
is my back tooth has broken off and it's
hurts very bad could you let me know if
I can see a Dentist soon I would Appreciate
It very much. I need some toothpaste
and some mouthwash

Do Not Write Below This Line - For Reply Only

2/23/07 went to Dentist today
Nurse Griffin

Approved _____ Denied _____ Collect Call _____

IF I'm going to get charged
I would like to be took care
of properly. Paying for a Doctor
visit and not getting nothing Done
is ridiculous and unprofessional.
I understand we violated the
Law but we are still humans.
There are other action can be
taken I will not sit back here
sick three or four week until
something gets done. I would
appreciate it very much if I
could get something for this
old body. If get any worse Please

Lee County Detention Center
INMATE REQUEST SLIP

E-3
LOCATION

Name Raymond R. [Signature] Date February 23, 2007

☐ Telephone Call ☒ Doctor ☐ Dentist ☐ Time Sheet
☐ Special Visit ☐ Personal Problem ☐ Other

Briefly Outline Your Request. Give To Jailer

I Am Requesting to see a Doctor or to be put on some Antibiotics. My ~~throat~~ nose is running my throat is hurting very badly and other people is very sick in this cell block. This common cold can turn into something else because this cell block is unsanitary and not clean properly and there is not one vent is circulating air through it. This is not good for my Asthma.

Do Not Write Below This Line - For Reply Only

2/23/07
Dear [Signature] x 7 days have
elapsed at the Detention
Center since

[Signature]
Approved _____ Denied _____ Collect Call _____

All Request Will Be Routed Through The Sergeant Over The Jail, Then Forwarded To Those The Request is Directed.

☐ Lieutenant ☐ Chief Deputy ☐ Sheriff

Lee County Detention Center
INMATE REQUEST SLIP

F-3

LOCATION

Name Tony Pinkard Jr Date February 26, 2007

☐ Telephone Call ☐ Doctor ☒ Dentist ☐ Time Sheet
☐ Special Visit ☐ Personal Problem ☐ Other

Briefly Outline Your Request. Give To Jailor

I Am requesting to see the Dentist for
my back teeth on the left side in the
top. A piece broke off and its hurting
like crazy. They were going to pull it the last
time but it was on the other side. So they
told me to ~~sign~~ sign back up for the
Dentist. I want to see the ~~Dentist~~
Dentist soon as I can. Thank you

Do Not Write Below This Line - For Reply Only

2/27/07 placed back on
Dentist List

Nurse Stewart